

CITY COUNCIL MINUTES

January 6, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, January 6, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Reverend Nate McMillian, pastor of Petra Ministries International.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles B. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

Mayor Miller recognized girl scouts from Girl Scout Troop #435 who were in attendance for their Law and Order badge.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan to approve the December 16, 2003, City Council Minutes as corrected. This was a 6-0-1 vote, as Councilmember Rheney abstained as she was not present at this meeting.

Orangeburg County Administrator Bill Clark and Economic Development Director Hal Johnson, addressed Council concerning a two day International Association of Character Cities held in Oklahoma City in September.

County Administrator Clark stated, "Wearing matching Community of Character shirts and waving banners, Hal and I told the International group of participants about the local program's organization. We took flags, CD's, books, etc., and we overwhelmed them. We learned that the amount of involvement by the local media is very unusual as is the involvement of the public sector. Since returning from the conference, Hal reported that communities in Texas, Kentucky, Alabama and Oklahoma have all contacted Orangeburg County seeking information about the program and that an Internet search for Communities of Character has Orangeburg as the number two most reviewed listing."

Economic Development Director Johnson stated, "In the future, the Steering Committee is working to formalize the structure, to finalize by-laws and to get a tax exempt status and make a determination on whether or not to go with a full time staff or stay with volunteers. The goal for 2004 is to initiate a business of character, such as C.F. Evans Construction Company has done. While 99% of the people are hired on ability, 99% are fired because of character. If we change this and hire them on character and train them, that would be a new concept."

Mayor Miller commended the County Officials for the level to which they have brought the Community of Character. Mayor Miller presented County Administrator Bill Clark, DORA Manager Bernice Tribble, Reverend Nate McMillian, Chief Wendell Davis and Economic Development Director Hal Johnson with the Proclamation designating "Honesty" as the Character Trait for January.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance to lease hangar space to New Hawthorne Aviators EEA Chapter 1367. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to reappoint Dr. Donald Small and the Reverend Willie Baxter to the Aviation Commission and to appoint John Smith to this Commission. This motion was unanimously approved.

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A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to reappoint William Evans Jr., and Elese Baxter to the Planning Commission and to appoint Deborah Stribling to this Commission. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire to reappoint John Cruise, Desiree Chavis and appoint Reverend Roderick Belin to the Board of Zoning Appeals. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance providing for the issuance and sale of combined Public Utility System Revenue Bonds of the City of Orangeburg, SC, and other matters relating thereto. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Second Reading of a Series Ordinance making provisions for the terms and conditions of a \$9,500,000 combined Public Utility System Revenue Bond of the City of Orangeburg, SC, authorized by a Bond Ordinance of the City of Orangeburg. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to enter into an Executive Session for a personnel matter relating to the Department of Public Safety. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk

/pfb



CITY COUNCIL MINUTES

January 20, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, January 20, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. Invocations were given by Reverend Cheney from Mt. Pisgah Baptist Church and Councilmember Charles Jernigan.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles B. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Joyce W. Rheney

ABSENT:

Trelvis A. Miller

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the January 6, 2004, City Council Minutes. This motion was unanimously approved.

Mr. George Bonnette, Emergency Planner for the Orangeburg County Department of Emergency Services, addressed Council on a Mutual Aid Agreement for catastrophic disaster response and recovery. As explained by Mr. Bonnette, the Agreement will provide a structure that will allow FEMA to reimburse for mutual aid during declared disasters. He stated that all municipalities were being asked to sign the Agreement, which provides a structure for payment, but does not require a municipality to respond or receive mutual aid. Mayor Pro Tem Haire asked, "If all towns or cities were being presented this Agreement." Mr. Bonnette replied, "All cities and towns in the County are in the process of being presented this Agreement and that Cordova has been the first to accept." Councilmember Barnwell asked, "If the reimbursement is subject to review and if there was a cap, if it was full reimbursement, or partial reimbursement according to page 11 of the Document, Section A." Emergency Services Director John Smith informed Council that it would depend exclusively on FEMA and if the County was declared a Federal disaster, it would be a Federal declaration. He also stated that the Agreement would provide a structure to provide assistance and FEMA funds would be available according to their guidelines to that year. Councilmember Barnwell asked, "Is this only within the County." Mr. Bonnette and Mr. Smith explained that the City would be eligible to work with anyone in the State or County wide. There are no requirements and we are under no obligation to respond. Mayor Miller asked, "If the City couldn't pay our bill, then what would happen." Mr. Bonnette explained that it was up to FEMA.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to accept this Agreement, as information, and to ask City Administrator Yow, City Attorney Walsh, EMS Director Smith and Emergency Planner Bonnette to meet and discuss the details of this Agreement. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the Third Reading of an Ordinance to lease hangar space to New Hawthorne Aviators EEA Chapter 1367. This motion was unanimously approved.

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City Administrator Yow presented the recommendations to Council on funding from the Accommodations Tax Committee. Mr. Fred Broughton, Accommodations Tax Committee Chairman was not able to be at the Council meeting. Councilmember Rheney asked, "If the Chamber was always designated as the lead agency." City Administrator Yow replied, "yes, for at least the last 10-12 years." Mayor Pro Tem Haire asked, "Why are some of the recommendations lower or higher than the requests and asked about the funds of the lead agency." He explained the procedures for the lead agency and funding and what funds were available. A motion was made by Councilmember Rheney, seconded by Councilmember Knotts, to accept these recommendations of funding from the Accommodations Tax Committee. This motion was unanimously approved.

City Administrator Yow presented to Council a request from citizens of Berry and Middleton Streets. City Administrator Yow stated that this was a concern of the residents because of the speed of vehicles and because of the newly renovated park that is being highly utilized. There is a stop sign on Berry Street and there is not one on Middleton Street. It is a long stretch and it serves as a cut-through to Broughton Street. Councilmember Rheney asked, "If this was to reduce the speed or reduce the number of fender benders." DPS Director Wendell Davis stated, "I did not bring with me any statistics and DPS can't monitor the speed generally. Councilmember Barnwell asked, "Why the speed could not be monitored." DPS Director Davis stated, "Because it is difficult to have running radar units and to park on private property on the street and this would hinder citations because the officers could be seen." Mayor Pro Tem Haire asked, "Are all the citizens who signed the requests residents of Middleton and Berry Streets because I would hate for something to be done and residents of these streets not aware of this." After discussion, it was confirmed that all residents are from Middleton and Berry Streets. Mayor Pro Tem Haire asked about the other corner, Carolina, and if that corner would be better for a four-way stop. Councilmember Rheney stated that a study needed to be done.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to have the SC Department of Transportation to make a feasibility study on which corner would be better suited for a four-way stop.

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the First Reading of an Ordinance to set Suburban Fire Protection Rates as authorized under Section 18-4.2 of the Code of Ordinances of the City of Orangeburg. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance providing for the issuance and sale of combined Public Utility System Revenue Bonds of the City of Orangeburg, SC, and other matters relating thereto. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the Third Reading of a Series Ordinance making provisions for the terms and conditions of a \$9,500,000 combined Public Utility System Revenue Bond of the City of Orangeburg, SC, authorized by a Bond Ordinance of the City of Orangeburg. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to enter into an Executive Session for a legal matter relating to the Department of Public Safety. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Carrie W. Johnson

Carrie W. Johnson
Assistant City Clerk



CITY COUNCIL MINUTES

February 3, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, February 3, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Charles Jernigan.

PRESENT:

Paul A. Miller, Mayor
 Bernard Haire
 Charles B. Barnwell
 Charles W. Jernigan
 Sandra P. Knotts
 Trelvis A. Miller
 Joyce W. Rheney

Mayor Miller stated that he and Council appreciated the City and the Department of Public Utilities staff for their efforts in the recent ice storm.

DPU Manager Fred Boatwright briefed City Council on the Ice Storm from January 26, 2004. The ice storm began on Monday, January 26, 2004, and customers started losing power as of 9:30 a. m. that morning and by 6:30 p. m. all 23,000 DPU customers had lost power with the exception of one, American Koyo Bearings Corporation who was tied directly into the substation across the street. DPU Manager Boatwright stated in detail the number of man hours used and phone calls taken during this event and named all the other utility and power companies that had assisted them in the power restoration effort, as well as all of the DPU employees that assisted, and the City of Orangeburg employees.

Dr. Oscar Butler addressed Council thanking Mr. Boatwright and the efforts of the Greenwood Utility crew that stayed in his neighborhood until all power was restored. The Mayor gave special thanks to BellSouth and Time Warner for their hard work in restoring telephone and cable services.

A motion was made by Councilmember Rheney, seconded by Barnwell, to approve the January 20, 2004, City Council Minutes as distributed. This was a 6-0-1 vote, as Councilmember Miller was not present at the January 20th meeting.

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the Second Reading of an Ordinance to set Suburban Fire Protection Rates as authorized under Section 18-4.2 of the Code of Ordinances of the City of Orangeburg, SC. This motion was unanimously approved.

Ms. Bernice Tribble, Downtown Orangeburg Revitalization Association Manager, accepted the Character Trait Proclamation, "Dependability". Councilmember Barnwell stated that the Dependability Trait has definitely been shown after the ice storm from all City and DPU employees.

City Attorney Walsh addressed Council on the Time Warner Franchise Agreement as currently proposed by City. He stated that the City submitted a proposed five year renewal Agreement to Time Warner. Attorney Walsh stated, "This proposal calls for a five percent (5%) franchise fee of gross revenues including revenue from access to the Internet, advertising, any telephone service and launching fees for programmers. Also, they must provide a government access channel and an emergency alert channel with both audio and video. They will have to provide the same services and equipment in Orangeburg as provided any other subscriber on the same headend. I have been told that the headend for their cluster is located in Columbia and that will give us protection. If they provide a service or program in Columbia or Sumter they have to provide it in Orangeburg. Also, the rates for these services and programs can't be any higher than what is charged the subscriber in the other cities. The submission of the proposal triggers a four-month time table and Council will have to either approve or disapprove the renewal. City Council wanted to have a Public Hearing

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and the reason I brought this to you tonight is to schedule a Public Hearing." Mayor Miller suggested having the Hearing in Stevenson Auditorium on a Tuesday night that's not a regular Council night. The first suitable Tuesday, would be February 24th, if the auditorium is available. City Attorney Walsh stated the Public Hearing should be held soon to incorporate any public comments into the proposal. City Administrator Yow stated, "Bud Tibschrany, Time Warner Vice President of Public Affairs, had requested a conference call in the next few weeks." DPU Manager Fred Boatwright reported that he would have a draft of the Negotiated Pole Agreement by the next session.

Mayor Pro Tem Haire cited two recent problems to Council involving coin operated air pumps that malfunctioned. "If I pay for a service, I should receive that service. If it's a citizen, he or she should receive the service paid for." Mayor Pro Tem Haire was told that any refund would have to be sent in by the vending company, not the business where the machine is located. He stated, "It is inconvenient to citizens and I'd like an Ordinance on the part of the City that if a vending device is on the premises, citizens are to get refunds from management and then management can get a refund from the owner of the machine and this way people do not get the run around. They should get their money immediately."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to ask City Attorney Walsh to draft such an Ordinance.

City Administrator Yow briefed Council on the information concerning appointments to the Accommodations Tax Committee that expire in March.

Department of Public Safety Director Davis addressed Council on the bids received for two (2) pumper trucks that were budgeted for Fiscal Year 2003-04. Director Davis recommended to Council to accept the bid from Spartan Apparatus for two (2) Pierce Arrow fire apparatus pumper trucks. Director Davis stated, "The bid came in under the \$400,000.00 budget and we already have similar equipment and prefer the aluminum body." Councilmember Knotts asked about the \$1,200.00 conference concerning the trucks. Director Davis stated, "We would look at the trucks before we accept them and we would incur any expense in relation to that. The \$1,200.00 is not in the bid and would be negotiated, if necessary, and possibly not even needed."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to accept the bid from Spartan Apparatus in the amount of \$399,752.00 for two (2) Pierce Arrow Fire Apparatus pumper trucks. This motion was unanimously approved.

There was no Department of Public Utilities matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session for a Contractual Matter concerning the Administration Department and Council will not be returning to open session. This motion was unanimously approved.

Respectfully submitted,

Carrie W. Johnson

Carrie W. Johnson
Assistant City Clerk

/pfb



Ice Storm Report to Mayor and Council
February 3, 2004

As you all aware, on January 26, Orangeburg and our surrounding areas experienced the worst ice storm or for that matter the most severe natural disaster we have seen in over 34 years. The storm was not predicted nor forecast by the weather service until it was upon us. By 8:30 am that morning we began to observe ice accumulation on trees and utility lines. By 9:30 we began to get our first calls of electrical outages. At 1:00 pm we implemented our storm management emergency procedures. By mid afternoon we had approximately 18,000 estimated outages. At 6:00 pm we had made the dreaded and difficult decision to go to our storm plan condition 4 which means we had switched off all the reclosers on all the circuits to protect the equipment in the substations and by 6:30 we had lost all of our approximately 23,000 customers except 1.

21 of our 22 electric substations had all circuits shorted out and 6 of those substations were off line completely because of trees down on the 115 KVA a 44KVA transmission lines.

By lunch time on Tuesday we had restored power to approximately 8,000 customers and had approximately 15,000 without power.

By 8:00 pm on Tuesday we had restored an additional 5,000 and had approximately 10,000 still out.

By mid day Wednesday we were down to approximately 8,000 and by Wednesday evening the count was 6,000.

Thursday morning we reported 4,000 still out and by Friday we were still reporting 3,500. As you can see the pace of restoration was slowing considerably. We were now working isolated and individual services and areas where the damage was most extensive. It was at this time however that we had the most people working – 60 Crews, 120 Linemen, 60 support personnel in the field and many others working in many other ways to support this massive effort.

Saturday mid day we were down to 1500; Sunday 1000; Monday 600; today at 8:00 am 108 and at **1:00 pm today we declared the outage officially ended.** That does not mean that all people are back on,

but it does mean that we have restored all we can until individual customers have the necessary repair work done to their homes. It also does not mean that it is over; we have a lot of clean up and repair work to do. Our focus was getting the power back on safely. Our priority was the hospital, nursing homes, emergency services, water and wastewater facilities first and then working the areas where we could get the most people back on in the shortest time possible.

We worked approximately 32,000 man-hours, and answered approximately 23,500 phone calls. We had assistance from electric crews from: City of Union, City of Easley, Bamberg BPW, City of Georgetown, City of Gaffney, City of Greer, Greenwood CPW, City of Rock Hill, City of Camden, Sumter Utilities, Pike Electric and Carolina Tree Co. In addition we had almost all of our DPU family working, many around the clock. Of course the Electric Division personnel, Engineers, Linemen, Technicians, Plant Operators, & Administrative staff worked around the clock. In addition Gas Division personnel coordinated and delivered food, beverages, and snacks and arranged for lodging for outside personnel. Water Division personnel delivered supplies and accompanied out of town crews. Wastewater Division personnel delivered materials, cut trees and limbs and routed out of town crews. Administrative Division personnel answered calls, routed out of town crews both linemen and tree trimming, & maintained the inventory of supplies. Maintenance Facility personnel maintained all the equipment and delivered fuel to crews and generators. Of course personnel at the Water and Wastewater Plants had to keep all their facilities working including all the water tanks, pump stations and lift stations.

This has been a most trying experience for our customers and for us at DPU. Generally speaking although we have had some extremely frustrated and angry customers, the great majority of the people have been very understanding, cooperative, and even helpful. I want to thank those who suffered with patience and grace, even today I got a call from a customer who got his power restored just today, thanking us for working so hard. I also want to especially thank the Electric Division crews, technicians and engineers and all the DPU people, the out of town crews, The Department of Public Works who cut trees and cleared roads for us, The Department of Public Safety who provided security services for us, The City Administrator and The Mayor and Council for your support and assistance.

CITY COUNCIL MINUTES

February 17, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, February 17, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Charles B. Barnwell.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles B. Barnwell
Charles W. Jernigan
Trelvis A. Miller
Joyce W. Rheney

ABSENT:

Sandra P. Knotts

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the February 3, 2004, City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller presented a Resolution from City Council to Mr. Carroll Joye for being an inductee into the South Carolina Aviation Hall of Fame.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance to set Suburban Fire Protection Rates as authorized under Section 18-4.2 of the Code of Ordinances of the City of Orangeburg, SC. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to accept the following reappointments to the Accommodations Tax Committee. Buster Smith, (Hospitality), Rachelle Jamerson (Other Designation), Fred Broughton, (Chairman) and David Coleman (Hospitality). These appointments are for four years, expiring March 2008. This motion was unanimously approved.

Council received the Budget Fiscal Year 2004-05 Calendar, as information, in order to check their respective calendars.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution authorizing the Manager of DPU to execute an Agreement between DPU and Time Warner Entertainment-Advance/Newhouse Partnership d/b/a Time Warner Cable, for the purpose of attaching cables, wires and appliances to the poles of the City's Department of Public Utilities. This motion was unanimously approved.

In other business, Mayor Miller asked City Administrator Yow for an update on the storm debris removal.

City Administrator Yow stated, "City employees have been working 12-hour days and Saturdays removing downed limbs and trees out of the thoroughfares. A private contractor also performed limited work. Our crews worked diligently every day and have made a lot of progress. Much of the debris that has been collected so far has been stored at a central site to make the clean up of neighborhoods go faster. An analysis is being made of a most feasible way to dispose of the debris"

DPU Manager Boatwright thanked the City workers for their help in clearing the roads and wires for them to work on the power lines.

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City Administrator Yow stated, "The City can be reimbursed for a percentage of overtime and some of the equipment costs and the City has received bids concerning the clean up from private contractors to assist with hauling and/or grinding and tree removal."

Mayor Miller suggested authorizing the City Administrator to move forward with hiring the contractors as soon as possible.

Mayor Pro Tem Haire asked Attorney Walsh, "Since this is not an agenda item, can this be done?"

Mayor Miller stated, "It's not on the agenda, but I want to press forward."

City Attorney Walsh suggested that with no other provision in place that the City would have to follow the regular Purchasing Policy Ordinance.

Councilmember Barnwell asked about the City's relationship with the County regarding FEMA.

City Administrator Yow stated, "We are independent from the County, but that doesn't mean we won't do some joint contracts. We have had reports of people from outside the City bringing debris inside the City limits and that some people have taken down healthy trees and mixing them with the storm debris and that is against our Ordinance anytime."

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk

/pfb





A RESOLUTION AUTHORIZING THE MANAGER OF THE DEPARTMENT OF PUBLIC UTILITIES OF THE CITY OF ORANGEBURG TO EXECUTE AN AGREEMENT DATED 2/18/04 BETWEEN THE DEPARTMENT OF PUBLIC UTILITIES AND TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP D/B/A TIME WARNER CABLE FOR THE PURPOSE OF ATTACHING CABLES, WIRES AND APPLIANCES TO THE POLES OF THE CITY'S DEPARTMENT OF PUBLIC UTILITIES

WHEREAS, Time Warner Entertainment-Advance/Newhouse Partnership d/b/a Time Warner Cable ("Time Warner") operates a cable communications system in and around the City of Orangeburg and attaches cables, wires and associated appliances to the poles of the Department of Public Utilities of the City of Orangeburg (the "City"); and

WHEREAS, a previous pole attachment agreement between the City and Time Warner has been terminated; and

WHEREAS, the Department of Public Utilities of the City and Time Warner have agreed upon the terms of a new pole agreement (the "Agreement"), a copy of which is attached to this Resolution;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG That the City of Orangeburg through its Department of Public Utilities enter into the Agreement between the City attached to this Resolution setting forth terms for the attachment of Time Warner's cables, wires and appliances to the poles of the City's Department of Public Utilities; and

BE IT FURTHER RESOLVED That Fred H. Boatwright, Manager of the Department of Public Utilities of the City of Orangeburg, be, and he hereby is, authorized and directed to sign the said agreement on behalf of the City of Orangeburg.

PASSED this 17th day of February, 2004.



Paul A. Miller
MAYOR

James H. Hain
James A. Miller, Jr.
Charles B. Bannock
John D. Jones
Joe P. P. Kennedy

MEMBERS OF COUNCIL

ATTEST:

Carrie H. Johnson
ASSISTANT CITY CLERK

THIS AGREEMENT made February 18, 2004, between the Department of Public Utilities, hereinafter called Licensor, party of the first part, and Time Warner Entertainment – Advance/Newhouse Partnership d/b/a Time Warner Cable, hereinafter called Licensee, party of the second part,

WITNESSETH:

WHEREAS, Licensee provides, or may provide, all lawful communication services over Licensee's cable system in and around Orangeburg, South Carolina, to all of its customers and will need to erect and maintain aerial cables, wires and associated appliances throughout the area to be served and desires to attach such cable, wires and appliances to poles of Licensor;

WHEREAS, subject in all instances to considerations of Licensor's service requirements including considerations of economy and safety (which requirements, together with its obligations under joint-use agreements with companies or municipalities providing electric power to the public shall be paramount to any permits granted hereunder), Licensor is willing when it may lawfully do so to permit the attachment of Licensee's cables, wires, and appliances to poles of Licensor for use in furnishing all lawful communications services by the Licensee in return for adequate compensation; and

WHEREAS, the previous pole attachment agreement between Licensee and Licensor has been terminated; and

WHEREAS, Licensee has not made pole rental payments to Licensor for use since June 30, 2001; and

WHEREAS, Licensor and Licensee have agreed that the rental payment under the previous pole attachment agreement shall represent proper compensation for Licensee's use of Licensor's equipment from July 1, 2001 through June 30, 2002

and that the rental payment(s) set forth in this agreement shall represent proper compensation thereafter.

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions herein contained, the parties hereto do hereby mutually covenant and agree as follows:

1. This Agreement and License hereunder cover Licensee's facilities attached to Licensors poles for the provision of all lawful communications services. Licensee acknowledges that Licensors operates an electric utility system owned by the City of Orangeburg, South Carolina, and that under existing law, such a utility is not subject to the general jurisdiction and regulation of the South Carolina Public Service Commission, the Federal Energy Regulatory Commission, the Federal Communications Commission, or other governmental regulatory agencies (except for the City of Orangeburg).
2. Upon execution of this Agreement, Licensors shall submit an invoice to Licensee for the payment of rental charges associated with the period beginning on July 1, 2001 (the date for service since the last invoice paid by Licensee) and ending with June 30, 2004. The amount to be invoiced shall be based on (i) the payment which would have been due Licensors under the previous pole attachment agreement through June 30, 2002, plus (ii) \$11.09 per attachment for the period from July 1, 2002 through June 30, 2003, and plus (iii) a payment in advance for the period from July 1, 2003 through June 30, 2004 in the amount of \$11.09 per attachment. In determining the number of attachments to be invoiced under this Agreement, only pole contacts containing line attachments (including service drops) shall be counted, and any pole contacts within one foot of vertical pole space shall be considered to be one attachment.
3. This Agreement and License hereunder cover all equipment owned, operated, otherwise controlled or used by Licensee which is attached to Licensors poles.
4. Before making attachment to any pole or poles of Licensors, Licensee shall make application and receive a written permit therefore with respect to each pole in the form of Exhibit A, hereto attached and made a part hereof. Notwithstanding the provisions of this section, Licensee may make attachments to drop and/or lift

poles without prior application, provided that Licensee submits an application for such attachment (in the form of Exhibit A) within thirty (30) days of making such attachments. In the event Licensee fails to submit an application within thirty (30) days, Licensor may charge Licensee a late fee equal to 10% of the annual pole rental charge prior to approving such application. Before approving any permit, Licensor's Manager, or his designee, may require from Licensee additional drawings, plans, or other documentation or information that Licensor's Manager or his designee may reasonably deem necessary to evaluate the effect of the attachment on the safety, reliability, and integrity of the electrical distribution system. Licensor shall make any request for such additional information within 30 days of the submission of any application for a permit. In the event that Licensor requests information or documentation that Licensee reasonably deems to be proprietary, Licensee shall so inform Licensor. If upon review Licensor determines that such information is necessary, Licensor shall notify Licensee, and Licensee shall provide the requested information, provided that Licensor shall take reasonable steps to insure that the information deemed proprietary by Licensee remains confidential and, upon approval or denial of a permit, will return all such information. Upon granting a permit, Licensor agrees that Licensee is permitted to make the attachments thereby covered, subject to the terms and conditions in this Agreement. Licensor retains sole and complete discretion to deny any permit in order to be able to preserve the safety, reliability, integrity, efficiency, and effectiveness of the electric distribution system that constitutes the core of its business and its governmental mandate. The denial or approval of a permit shall be governed exclusively by the terms of this Agreement. However, Licensee may request Licensor to reconsider a denial of a permit. Licensor may approve an application as submitted, approve it on a modified or conditional basis, or may deny the application. Licensor may also refuse to issue a permit when, in its sole discretion, it determines that the space on a pole is required for its own exclusive use or that the pole may not reasonably be arranged or replaced pursuant to Paragraphs 8, 9, or 10 to accommodate Licensee's proposed attachment. Attachments will not be permitted unless Licensee

procures all other permits or permissions from public authorities or private property owners necessary to effectuate the attachment in a lawful manner.

5. In the event Licensee fails to obtain a permit for any attachment such attachment shall be deemed unauthorized. For each unauthorized attachment, Licensee shall pay Licensor 125% of the applicable attachment fee hereunder for a period of time equal to the lesser of (i) five years, (ii) the number of years since the last Attachment Inventory (including inventories conducted pursuant to earlier pole license agreements governing such facilities), or (iii) the date the Licensee made the attachment, if Licensee can document when the attachment was made. This shall be payable in advance of a proper permit being approved by Licensor for any unauthorized attachment. Licensee shall submit in writing, within fifteen (15) business days after receipt of written notification from Licensor of an unauthorized attachment, a completed version of the permit application required pursuant to this Agreement. A pattern of failure to permit attachments or pay any applicable charge may result in termination of this Agreement. In any event, Licensee shall not be permitted to attach, in any manner, to poles erected to provide private area lighting to private customers of Licensor or other erected poles that are not part of Licensor's distribution system.
6. Licensee shall, at its own expense, make and maintain said attachments in safe condition and in good repair, and in a manner suitable to Licensor and compatible with the use of said poles by Licensor, and other owners of facilities using said poles, and in a manner that will not interfere with the maintenance and use of facilities thereon or which may from time to time be placed thereon. Except for routine maintenance and repair, Licensee shall not change the type, nature, or location of any attachment or alter use of a pole without the Licensor's prior written consent. Licensee shall, on demand, reimburse Licensor for any costs Licensor incurs as a result of any such modification or relocation performed at Licensee's request. Licensee shall not construct any other or additional attachments except as authorized by this Agreement together with all separate attachment permits. Any attachment changed or added in violation of this section shall be deemed to be an unauthorized attachment. Licensee shall pay Licensor

the difference between the amount calculated pursuant to Paragraph 5 and the amount actually paid during the period Licensor determines such attachment was unauthorized.

7. Licensee's cables, wires and appliances, in each and every location, shall be erected and maintained in accordance with the requirements and specifications of the latest revision of the National Electrical Safety Code, the Safety Rules for the Installation and Maintenance of Electric Supply and Communications Lines, as the same may be amended from time to time, and in compliance with any rules or orders now in effect or that hereafter reasonably be issued by the City of Orangeburg, Department of Public Utilities or other authority having jurisdiction. Licensee agrees that all of its facilities will meet the standards and requirements as set out in Exhibit C attached hereto and made a part hereof. Where differences in specifications exist, the more stringent provision shall apply. The location of Licensee's attachments to be made on each pole will be designated by Licensor, and the location of any attachment may be re-designated from time to time. The engineering, construction, installation, use, operation, and maintenance of Licensee's attachments shall be at Licensee's sole expense. Nothing in this Agreement shall be construed to require Licensor to expend any funds or to incur or bear any cost or expense related to its core utility business as a result of Licensor entering into this Agreement. Licensee shall pay all expenses related to engineering inspections, analyses and similar activities necessary to evaluate the request for permit.
8. Licensee shall bear the costs of any and all adjustments and/or additions made to the facilities of Licensor, including Licensor facilities located on the poles of a third party, in order to accommodate the Licensee's attachments permitted herein, included, but not limited to, the costs of relocation, additions, extension, replacement, reconstruction, construction, modification or rearrangement of Licensor's facilities, any costs of relocation, replacement, or rearrangement of the facilities of third parties (except as provided in paragraph 9), any costs of guying or strengthening poles, any costs incurred due to removal of Licensee's attachments, and any increased costs to Licensor resulting from the presence of

Licensee's attachments after Licensor modifies any of Licensee's facilities. Licensee shall also be required to reimburse other attaching parties for the cost of changing, rearranging, or replacing their attachments or facilities to accommodate Licensee's attachments if such parties have an agreement with Licensor requiring that they reimburse Licensee for the cost of changing, rearranging or replacing its attachments to accommodate their attachments. Licensee shall not be required by Licensor to incur costs for changing, rearranging or replacing its attachments or facilities to accommodate a third party's attachments unless Licensee is reimbursed for such costs by that third party. Licensor agrees to include in any new agreement entered into by Licensor and any party a provision which will provide for Licensee to be reimbursed for Licensee's costs incurred in the relocation, replacement, or rearrangement of its facilities to accommodate such party, except that an extension of Licensor's agreement with Bell South, existing as of the date of this Agreement, shall not be considered a new agreement under this provision. If rearrangement of the attachments of other parties is required to facilitate Licensee making an attachment, Licensor shall require that the other parties perform such rearrangement in a timely manner, where such rearrangement can reasonably be made. Licensee shall bear the costs of such rearrangement, pursuant to this paragraph, provided that the costs are reasonable and no more than the other parties' actual cost of doing the work.

9. Where accommodation of Licensee's desired attachments may be made on present poles of Licensor by rearranging Licensor's facilities thereon, Licensee will compensate Licensor in advance for the full estimated reasonable expense of completing such rearrangements. Licensee will also, in advance, compensate the Owner or Owners of other facilities attached to said poles for expenses incurred by them in rearranging such facilities if required to facilitate Licensee's attachment. Licensor shall reimburse Licensee for Licensee's costs of changing, rearranging or replacing its attachments or facilities, if such change, rearrangement or replacement is required by Licensor as a result of activity unrelated to Licensor's core utility service. In case of an emergency, as

determined by Licensor in its sole judgment and discretion, Licensor may move, rearrange or transfer Licensee's attachments without liability to Licensee or to any other person, in which event Licensee shall also be responsible for all reasonable costs. Such emergency actions may be taken by Licensor without prior notice to Licensee. Licensor shall provide notice to Licensee in writing within 48 hours except when an emergency affects a substantial portion of Licensor's utility system and renders it impractical for Licensor to provide notice within such 48-hour period, in which case, notice shall be as soon as practicable.

10. Whenever Licensee requests an attachment that will require new pole facilities, including an additional pole, or an extension, replacement, reconstruction, construction or modification of an existing pole owned or controlled by Licensor, Licensee shall make written application to Licensor, stating the proposed location of the new, extended, reconstructed or modified poles that are the subject of the Licensee's request. The decision on whether to grant Licensee's request, and the terms and conditions imposed upon any such approval, shall be entirely within the sole discretion of Licensor. If, however, Licensor elects, in its sole discretion, to change, modify or replace a pole or any existing attachments to accommodate a proposed attachment, all Make-Ready Costs shall be borne solely by Licensee, including without limitation, costs of planning, engineering, construction, and pole replacement. Licensor will notify Licensee of the changes necessary to provide an adequate pole, together with the estimated cost thereof to Licensee.

If in the sole opinion of Licensor, should any pole to which Licensee attaches become inadequate to support additional required facilities of Licensor or other users by reason of Licensee's attachment thereto, Licensor will notify Licensee, in writing, and will include the estimated costs of the changes necessary to provide an adequate pole. Within ten (10) days after such notice, Licensee shall indicate, in writing, to Licensor whether it desires Licensor to make the necessary changes to provide an adequate pole at Licensee's expense. If it desires Licensor to make changes, Licensee shall compensate Licensor in advance for the entire estimated additional cost thereof as set forth above. In the event that

Licensee does not notify Licenser within 10 days, or if Licensee does not desire for Licenser to make such changes, Licensee shall remove such facilities within fifteen (15) days of notification by Licenser.

Licensee will also, in advance, compensate the Owner or Owners of other facilities attached to said pole to be replaced for any expense incurred by it or them in transferring such facilities to the new pole. Licensee shall relocate or rearrange its facilities to accommodate the attachments of third parties, where feasible, upon payment in advance by such third parties of the costs reasonably estimated by Licensee for such relocation or rearrangement.

The Licenser will be compensated for reasonable underestimation on make-ready and related work, and Licensee will be refunded any overpayment on make-ready estimates at the conclusion of the work.

11. Licenser reserves to itself, its successors and assigns, the right to maintain its poles and to operate its facilities thereon in such manner as will best enable it to fulfill its own service requirements. Licenser shall not be liable to Licensee for any interruption to service of Licensee or for interference with the operation of the cables, wires and appliances of Licensee arising in any manner out of the use of Licenser's poles hereunder.
12. Prior to execution of this license agreement, Licensee shall have submitted to Licenser evidence, satisfactory to Licenser, of its authority to erect and maintain its facilities within public streets, highways and other thoroughfares and shall secure any necessary consent from federal, state or municipal authorities or from the owners of property to construct and maintain facilities at the locations of poles of Licenser which it desires to use. Licensee shall indemnify and reimburse Licenser for all loss and expense (including reasonable legal expenses) which results from claims of governmental bodies, owners of property or others that Licensee has not a sufficient right or authority for placing and maintaining Licensee's facilities on Licensee's poles or elsewhere.
13. Licenser reserves the right to make periodic inspections of any part of Licensee's attachments to Licenser's poles, including guying. Such inspections, or lack of inspection, shall not operate to relieve Licensee of any responsibility, obligation

or liability assumed under this Agreement. Licensee shall reimburse Licensor for the actual expense of one (1) general inspection of Licensee's attachments made within one (1) year of Licensee's initial construction, as well as the actual expense of any inspection of any part of Licensee's attachments occasioned by notice to Licensor of a safety issue with respect to any part of Licensee's attachments. Reimbursement to Licensor shall be made within thirty (30) days of Licensee's receipt of a written demand for reimbursement. All other inspections, if any, shall be made at Licensor's sole cost and expense. Licensor will give Licensee advance written notice of any and all inspections, except in those instances where, in the sole judgment of Licensor, safety considerations justify the need for such an inspection without the delay of waiting until a written notice has been forwarded to the Licensee.

Licensee shall reimburse Licensor for the actual reasonable expense of a complete inventory of Licensee's attachments, provided that Licensee shall not be required to reimburse Licensor for more than one complete inventory in any four year period and further provided that such inventories shall, where feasible, be conducted of all third-parties' attachments to Licensor's poles at one time and that the costs of such inventories shall be equitably shared among all such parties.

14. Licensee shall at its own expense and in compliance with the NESC, place guys and anchors to sustain any unbalanced loads caused by the Licensee's attachments. When, in unusual circumstances, the Licensee determines that it is necessary or desirable for it to attach its guys to anchors owned by the Licensor, it shall make application to do so in a manner similar to that outlined in paragraph 4 above for application to make pole attachments. In such circumstances, all the provisions of paragraphs 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 above, applicable to poles shall also be separately applicable to anchors. Licensee shall pay to Licensor a rental for the use of each of Licensor's anchors to which attachments are made. The amount of the rental per anchor shall be $\frac{1}{2}$ of the charge per pole determined pursuant to Paragraph 15, and the method of payment shall be

identical with, and in addition to, the amount and method for poles, as described in paragraph 15 following.

15. Licensee shall pay to Licensors, for attachments made to poles under this Agreement, an annual rental at the rate set forth in Exhibit D and calculated pursuant to the methodology set forth in Exhibit E. Said rental shall be payable semiannually in advance. Starting July 1, 2003 and continuing as such thereafter, rental fees shall be based upon the number of poles on which attachments are being maintained on the first day of the month preceding billing.
16. Licensee shall exercise special precautions to avoid damage to facilities of Licensors and of others supported on said poles and hereby assumes all responsibility for any and all loss for such damage. Licensee shall make an immediate report to Licensors of the occurrence of any damage and hereby agrees to reimburse Licensors and such others for the expense incurred in making repairs.
17. Licensee understands and agrees that the erection or placement, presence, maintenance, use and removal of its facilities in the vicinity of the Licensors' facilities at any and all locations increases the exposure of Licensors for damage to or loss of its property and the property of third persons, and for injury to or death of its employees and the employees of its contractors and sub-contractors, and to third persons, and that Licensors' exposure to claims, demands and suits for any and all of the above is increased above the level which exists in the absence of Licensee's facilities in the vicinity of Licensors' facilities at any location. As a necessary consideration to Licensors' covenants herein contained, Licensee agrees further to and shall indemnify, protect and save harmless and insure Licensors from and against any and all liability (including contractual liability of Licensors to other users of Licensors' poles), costs, attorneys' fees incurred, expenses, claims and demands, including payments made under any Workmen's Compensation Law or under any plans for employees' disability and death benefits, for damages to property and/or injury to or death of person, including but not limited to injuries to and death of employees of Licensee, employees of Licensors and employees of contractors and sub-

contractors of either Licensor or Licensee, when such damage to property or injury to or death of persons arises out of, results from or is caused by: (1) the erection, maintenance, presence, use or removal of Licensee's attachments, or (2) the proximity of the respective cables, wires, apparatus and appliances of the parties hereto, or (3) any act or omission of Licensee or its employees or its Contractors, sub-contractors or the employees of either, or (4) Licensee's breach of any part of this Agreement; regardless of whether or not any such damage to property or injury to or death of persons results from Licensee's negligence. Nothing in this paragraph is intended to require Licensee to indemnify and hold Licensor harmless for any damage to property or injury to or death of persons attributable to the negligence, recklessness or intentional misconduct of the Licensor.

18. Licensee shall carry insurance, in such forms and with such companies as are satisfactory to Licensor, with contractual endorsements necessary to protect the parties hereto, as named insured, from and against any and all claims, demands, actions, judgments, costs, expenses and liabilities of every name and nature which may arise or result, directly or indirectly, from or by reason of such loss, injury or damage, and so as to insure the undertaking of Licensee to Licensor under paragraph 17 hereof. The amounts of such insurance against liability due to damage to property shall be Two Million Dollars (\$2,000,000.00) as to any one accident, and against liability due to injury to or death of persons, One Million Dollars (\$1,000,000.00) as to any one person and Two Million Dollars (\$2,000,000.00) as to any one accident. Licensee shall also carry such insurance as will protect it from all claims under any Workmen's Compensation Laws in effect that may be applicable to it. All insurance required shall be procured before any attachment is made by Licensee to Licensor's poles and shall remain in force for the entire life of this Agreement, and the company or companies issuing such insurance shall be approved by Licensor. Licensee shall submit to Licensor copies of such insurance policies issued under this Agreement and the certificate of each insurance carrier that it will not cancel or change any such policy of insurance except after ninety (90) days' written notice

by "certified" mail to the named insured; and all such policies shall be replaced by Licensee with similar policies prior to their termination, or effective date of cancellation. The taking out of such insurance shall not relieve or limit Licensee from its liability to Licensor under this contract, but shall only be added security. The Licensee shall submit a current certificate of insurance to the Licensor annually on the same date each year that Licensee submits its first payment of annual pole attachment fees in accordance with paragraph 15 of this Agreement. Failure to provide proof of insurance will result in termination of this Agreement.

19. Licensee may at any time remove its attachments from any pole of Licensor, but shall immediately give Licensor written notice of such removal in the form of Exhibit B, hereto attached and made a part hereof. Should Licensee thereafter again wish to make attachments to such pole, it shall make application and receive a permit therefore as provided in paragraph 4 hereof.
20. Upon notice from Licensor to Licensee that the use of any pole is forbidden by municipal authorities or property owners, the permit covering the use of such pole shall immediately terminate and the cables, wires and appliances of Licensee shall be removed promptly from the affected pole. Upon removal, Licensee shall provide written notice of such removal in the form of Exhibit B, hereto attached and made a part hereof.
21. Licensee shall not assign or transfer this Agreement without the prior written consent of Licensor. Such consent shall not be unreasonably withheld or delayed. Any assignment or transfer without the express written consent of the Licensor shall constitute a default of this Agreement. Where control of the Licensee is transferred, whether by sale of stock or otherwise, Licensee shall promptly notify Licensor in writing. Such change of control, without Licensee's express advance written permission shall constitute a default of this Agreement.
22. Licensee shall not, without the prior written consent of Licensor, use any of its facilities attached to Licensees poles for any purpose other than that provided in this Agreement. Whenever, in the reasonable judgment of Licensor, Licensee has used its facilities for any purpose not authorized herein, Licensor shall forthwith notify Licensee. Upon receipt of such notice, Licensee shall as

promptly as practicable (and in no event later than fifteen (15) days after receipt of such notice) cease such use complained of in the notice. Failure to do so or repeated unauthorized use shall constitute a default of Licensee's obligations and, notwithstanding any other provisions of this Agreement, Licensor may, at its option, terminate this Agreement.

23. Licensee shall indemnify, save harmless and insure Licensor with respect to all material transmitted over Licensee's cable television/communications system from and against any and all claims and demands for damages or loss for infringement of copyright, for libel and slander, for unauthorized use of television broadcast programs, and for unauthorized use of other program material, and from and against all claims and demands for infringement of patents with respect to the manufacture, use and operation of Licensee's equipment whether arising from the use of Licensee's equipment in combination with Licensor's poles or otherwise.

24. Except as otherwise expressly provided in this Agreement, if Licensee shall fail to comply with any of the provisions of this Agreement including the specifications herein before referred to, or default in any of its obligations in this Agreement and shall fail within thirty (30) days after written notice from Licensor to correct such default or non-compliance, Licensor may, at its option, forthwith terminate this Agreement or the permit covering the poles as to which such default or non-compliance shall have occurred.

In the event the Licensor terminates this Agreement as to any permit or permits granted hereunder, Licensee shall within one hundred eighty (180) days remove its affected facilities, and in the event that Licensee does not remove its facilities within one hundred eighty (180) days, Licensor may do so, the removal costs to be borne, in any event, by Licensee. Bills for expenses and other charges under this Agreement, except those advance payments specifically covered herein, shall be payable within thirty (30) days after presentation. Non-payment of bills shall constitute a default of this Agreement.

25. Failure to enforce or insist upon compliance with any of the terms or conditions of this Agreement shall not constitute a general waiver or relinquishment of any

such terms or conditions, but the same shall be and remain at all times in full force and effect.

26. Nothing contained herein shall be construed as affecting the rights or privileges previously conferred by Licensor, by contract or otherwise, to others, not parties to this Agreement, to use any poles covered by this Agreement; and Licensor shall have the right to continue and extend such rights or privileges. The attachment privileges herein granted shall, at all times, be subject to such existing contracts and arrangements.
27. No use, however extended, of Licensor's poles, under this Agreement, shall create or vest in Licensee any ownership or property rights in said poles, but Licensee's rights therein shall be and remain a mere license. Nothing herein contained shall be construed to compel Licensor to maintain any of said poles for a period longer than demanded by its own service requirements. In the event Licensor determines that a pole is no longer required to meet its service requirements, Licensor shall notify Licensee of its intent to remove such pole from service. Upon notification Licensee shall remove its facilities within 60 days. In the event Licensee fails to remove its facilities, Licensor shall have the right to remove them at the cost and expense of the Licensee without incurring any liability. This Agreement confers no exclusive right on Licensee for the use of Licensor's poles or any particular space on Licensor's poles; and Licensor retains the full right and discretion to grant, without notice, pole attachment or other use privileges as to any and all of its present or future poles in the area covered by this Agreement to any other person or persons for any purpose including, but not limited to all lawful communication services.
28. Notwithstanding anything contained herein, Licensee is not hereby authorized to make any use of its facilities which would violate any duly filed tariffs of Licensor nor shall any provision of this agreement be construed to require Licensor to do, or perform, or permit any act, which would violate any of its duly filed tariffs.
29. This agreement shall become effective upon its execution and, if not terminated in accordance with other provisions contained herein, shall continue in effect until December 31, 2008, and thereafter from year to year. Either party may terminate

the Agreement at the end of said period, or any time thereafter, by giving to the other party at least ninety (90) days' prior written notice. Upon termination of the Agreement, in accordance with any of its terms, Licensee shall remove its cables, wires and appliances from all poles of Licensor within one hundred eighty (180) days. If not so removed, Licensor shall have the right to remove them at the cost and expense of Licensee and without incurring any liability.

30. Licensee may be required to furnish satisfactory evidence of contractual insurance coverage in an amount which in the judgment of the Licensor, is required to guarantee the payment of any sums which may become due to Licensor for rentals, or for work performed for the benefit of Licensee under this Agreement, including the removal of attachments as provided for herein. The amount of the contractual insurance coverage is subject to be increased or decreased whenever, in the judgment of the Licensor, such action is deemed advisable from a standpoint of protecting the payments due Licensor as set forth above.
31. Any notice, request, consent, demand, statement or invoice which is contemplated to be made and given to either party by the other party under any of the provisions of this Agreement, shall be in writing and shall be treated as duly delivered when it is either (i) personally delivered to the office of Licensor in the case of a notice to be given to Licensor, or personally to the office of Licensee in the case of a notice to be given to Licensee, or (ii) sent by United States mail properly addressed to the other party as follows:
 - (a) If notice is to Licensor:

Manager, Department of Public Utilities
City of Orangeburg
1016 Russell Street
P.O. Box 1057
Orangeburg, South Carolina 29116-1057
 - (b) If notice is to Licensee:

President, South Carolina Division
Time Warner Cable
193 Greystone Blvd.
Columbia, SC 29223

IN WITNESS WHEREOF, the parties hereto have caused these present to be
duly executed the day and year first above written.

Time Warner Entertainment –
Advance/Newhouse Partnership

Attested by: Angela Milbourn

By: Wayne D. Hightower
Division President – South Carolina

Department of Public Utilities

Attested by: [Signature]

By: [Signature]
Manager, DPU

EXHIBIT A
Application and Permit

_____, 200_____

The Department of Public Utilities

In accordance with the terms of Agreement dated _____,
200__ application is hereby made for license to make attachments to the following poles
and/or anchors:

<u>Pole*</u>	
<u>Number</u>	<u>Location</u>

*For anchors prefix
pole number with "ANC"

By:_____

Title:_____

License granted _____, 200__, subject to your approval of the
following changes and rearrangements at an estimated cost to you of \$ _____ payable
in advance. Please find attached a detailed invoice enumerating all make-ready costs
composing the estimate.

DEPARTMENT OF PUBLIC UTILITIES

By:_____

Title:_____

The above changes and rearrangements
Approved and advance payment therefore
enclosed.

Permit No. _____

By:_____

Total Poles _____

Title:_____

Total Anchors _____

(All applications must have attached detail drawings location, method of attachment,
and poles to be attached.)

- ☐ CHECK BOX IF SUBMITTING EXHIBIT B AS NOTICE FOR REMOVAL OF ATTACHMENT TO DROP/LIFT POLE OR FOR REMOVAL OF OVERLASHING

EXHIBIT B
Notification of Removal of Licensee

_____, 200__

The Department of Public Utilities

In accordance with the terms of Agreement dated _____,
200__ kindly cancel from your records the following poles and/or anchors covered by
Permit No. _____ from which attachment were removed _____, 200__.

**Pole*
Number**

*For anchors - prefix
pole number with "ANC"

Location

By: _____

Title: _____

(Licensee)

Notice Acknowledge

DEPARTMENT OF PUBLIC
UTILITIES

_____, 2001

By: _____

Title: _____

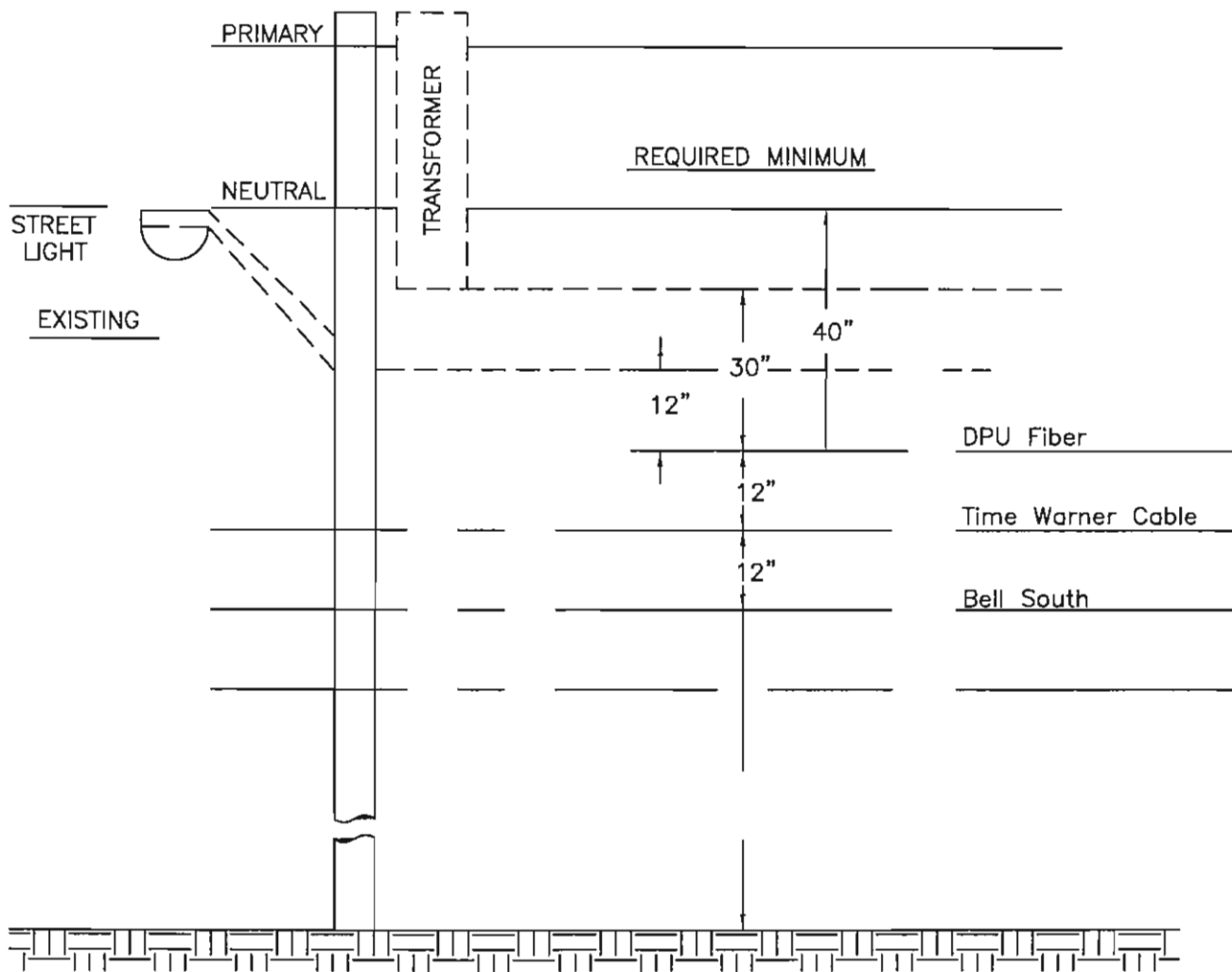
(Licensor)

Notice No. _____

Total Poles Discontinued _____

Total Anchors Discontinued _____

(Attached detail drawings)



DEPARTMENT OF PUBLIC UTILITIES
ORANGEBURG, SOUTH CAROLINA

Exhibit C
Time Warner Cable
Pole Attachment Agreement

DATE:
11-05-03

SCALE:
NTS

SHEET
1-OF-1

EXHIBIT C

Technical Standards For Pole Attachments

(page left intentionally blank – to be provided by
the Orangeburg Department of Public Utilities)

EXHIBIT D
Annual Rental Rate – July 1, 2003 through June 30, 2004

Bare Pole Investment

1.	Gross Bare Pole Investment		\$4,738,442.00
2.	Gross Investment Acct 364	\$10,532,582	
3.	Accum. Dep. Acct 364	<u>4,260,009</u>	
4.	Net Inv. /Acct 364	\$6,272,573	
5.	Ratio Net-to-Gross Dist. Plant (4/1)	59.55%	
6.	Net Bare Pole Investment (1x5)		\$2,821,742.00
7.	Number poles	16,687	
8.	<u>Average Investment Bare Pole (6/7)</u>		\$169.10

Carrying Charge

9.	<u>Admin & General Component</u>		5.98%
10.	Maintenance Expenses Acct 593	\$1,016,513	
11.	Gross Invest. Accts 364, 365, 369	\$22,835,081	
12.	Net Invest. Accts 364, 365, 369	\$11,239,006	
13.	<u>Maintenance Component (10/12)</u>		9.04%
14.	Annual Depreciation %	3.57%	
15.	<u>Depreciation Component (14/5)</u>		5.60%
16.	<u>Taxes Component</u>		4.00%
17.	<u>Return</u>		8.00%
18.	<u>Carrying Charge (9+13+15+16+17)</u>		32.62%

Annual Cost Per Pole

19.	Annual carrying cost per pole (8x18)	\$55.16
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Annual Telcom Attachment Pole Rate Assuming 2.45 Attaching Parties

20.	\$55.16 x .201	\$11.09
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[Substitute]

EXHIBIT E

Pole Attachment Annual Rate Calculation Methodology

The following paragraphs outline the methodology used to in develop annual pole rental rates in connection with the Pole Rental Agreement between the Orangeburg Department of Public Utilities and Time Warner Cable. The formula to be used in calculating annual pole attachment rates is as follows:

$$\text{Annual Rate} = \frac{\left[\frac{\text{Space Occupied}}{\text{Pole Height}} + \left(\frac{2}{3} \times \frac{\text{UnusableSpace}}{\text{Avg. No. of Att. Entities Per JUPole}} \right) \right] \times \text{Net Cost of a Bare Pole} \times \text{Carrying Charge Rate}}{\text{Pole Height}}$$

Where:

Space Occupied = 1 foot

Unusable Space = 24 feet

Number of Attaching Entities = 2.45

Pole Height = 37.5 feet

Net Cost of a Bare Pole represents the average investment, less depreciation, of Licensor's distribution system poles excluding investment in items other than the pole. In the Section entitled Net Cost of a Bare Pole details are provided regarding the determination of this allowance.

Carrying Charge Rate represents the allowance for operating and other annual charges as a percentage of Net Cost of a Bare Pole. In the Section entitled Carrying Charge Rate details are provided regarding the determination of this allowance.

Net Cost of a Bare Pole

The following formulas are used to determine the net cost of a bare pole:

$$\text{Ratio Net-to-Gross Pole Investment} = \frac{\text{Investment in Account 364 less Depreciation Reserve Associated with Account 364}}{\text{Investment in Account 364}}$$

$$\text{Net Cost of a Bare Pole} = \text{Average Investment per Pole exclusive of appurtenances (investment in poles only – Account 364)} \times \text{Ratio Net-to-Gross Pole Investment}$$

The bare pole investment is determined as the average gross bare pole investment reported in the Department's continuing property records in Account 364. The Net Cost of a Bare Pole is determined by multiplying the gross bare pole investment by the ratio of net-to-gross plant in Account 364.

Carrying Charge Rate

The carrying charge rate represents costs incurred in owning and maintaining poles, and is determined as the sum of allowances for maintenance, administrative, depreciation, tax, and return.

$$\text{Maintenance} = \frac{\text{Maintenance Expenses Reported by Licensor in Account. 593}}{\text{Sum of the Investment Reported by Licensor in Accounts 364, 365, \&369 less Depreciation Reserve Associated with those same accounts}}$$

$$\text{Administrative} = \frac{\text{Total General and Administrative Expense Charged to Licensor's Electric Division}}{\text{Gross Plant Investment (Electric Division) - Accumulated Depreciation (Electric Division)}}$$

$$\text{Depreciation} = \frac{\text{Depreciation Expense Rate Applicable to Licensor's Account 364}}{\text{Ratio Net-to-Gross Pole Investment}}$$

$$\text{Tax} = \begin{array}{l} 4.00\% \text{ or such other amount as} \\ \text{Licensor may document that it} \\ \text{pays in lieu of taxes, except that no} \\ \text{annual increase in this percentage} \\ \text{may be increased more than one} \\ \text{percentage point in any year.} \end{array}$$

$$\text{Return} = 8.00$$



RESOLUTION

- WHEREAS,** Carroll Joye is a Bamberg County native who served his country for twenty-two (22) years, entering the United States Air Force in 1957 and retired as a Senior Master Sergeant; and,
- WHEREAS,** Carroll Joye began his civilian aviation career in 1971 while still on military tour of duty at Torrejon Air Base in Madrid, Spain; and,
- WHEREAS,** he earned his Commercial and Flight Instructor's ratings through the tutelage of Heirs Furtick, himself a 2001 SCAA Hall of Fame Member; and,
- WHEREAS,** an avid aviator, possessing a benevolent character, he has given his time for numerous Angel Flights and he has devoted a lifetime to aviation; and,
- WHEREAS,** he has been involved in aviation for almost forty-five (45) years and as a supporter of aviation, he is often asked to speak at civic and educational programs on aviation; and,
- WHEREAS,** Carroll Joye has taught over 750 students to fly and has logged some 16,500 hours of flight time and his influence on aviation in South Carolina will last for many years to come; and,
- WHEREAS,** as a former Airport Manager for the City of Orangeburg's Municipal Airport, his work made the Aviation Memorial and Pilots Walk a reality along with formation of the Orangeburg Pilots Association, and he was also instrumental in working with the City Staff, City Council, and the Aviation Commission in making the new Runway 17/35 a successful project; and,
- WHEREAS,** Carroll Joye has been honored as an inductee into the South Carolina Aviation Hall of Fame on Thursday, February 5, 2004.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Members of City Council of the City of Orangeburg, South Carolina, that the 17th Day of February 2004 is to be recognized as "Carroll Joye Day" in the City of Orangeburg, South Carolina.



ATTEST:

Carrie H. Johnson

Paul G. Miller
Mayor

James W. Sherry
Jessica T. Lott
Charles B. Bassett Jr.
Sam Haie
Charles D. ...
Thomas A. Miller
Council Members

Public Hearing Minutes

February 24, 2004

7:00 P.M.

Orangeburg City Council held a Public Hearing on Tuesday, February 24, 2004, at 7:00 P.M. in Stevenson Auditorium with Mayor Miller presiding. An invocation was given by Mayor Pro Tem Haire.

PRESENT:

Paul A. Miller
Bernard Haire
Charles B. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Joyce W. Rheney

ABSENT:

Trelvis A. Miller

The purpose of the Public Hearing is to receive public comments on a proposal to renew the Cable Service Franchise of Time Entertainment-Advance/Newhouse, a New York general partnership, DBA Time Warner Cable for a term of five years.

Mayor Miller recognized Bud Tibshirany, Vice President of Public Affairs, Craig Thompson, Vice President and General Manager, and Mary Anne Jacobs, Director of Public Affairs.

Mayor Miller asked if anyone would like to address Council from the Audience. No comments were heard from the public.

Mayor Pro Tem Haire addressed Council, "I support the new Ordinance as it relates to Time Warner. I am a believer that if a company has to come back before a body concerning a franchise, citizens are aware that this body cannot deny a franchise to Time Warner. However, because of federal regulations, our authority is limited. I have been bombarded with complaints concerning the service that is provided as well as the costs of the upper tier cable and premium packages. I would hope that this industry would say that the profit margin is right and not to expect to see an increase to our citizens each year. I talked with a young man today, I don't know why he is not here, he talked about the cost of his package; it was somewhat high or exorbitant. It puzzles me. I am sure many of the Councilmembers have received calls. I am disappointed that they have not come to express their concerns. As a councilmember, I hear concerns and I will continue to speak out for the citizens who are asking for relief. For me, to have an industry such as this without competition is wrong, we have competition in other areas of life. I don't see why this industry seems to think that competition is not healthy. Maybe, it is due to a Gentlemen's Agreement that there is no competition. I think the citizens have a golden opportunity as it relates to their complaints. I hope one day the citizens see their power to band together and ask federal authorities to do something for their plight and to seek help in the cost of their services. I would not like to see an Agreement with the City and Time Warner any longer than it is already, so we can revisit the situation and for this reason, I will support extending the franchise."

Mayor Miller commended Time Warner on restoring the cable services in the recent ice storm and with the Super Bowl being on Sunday, I know that there was a lot of concern in restoring the cable."

Bud Tibshirany addressed Council. He stated, "We value Orangeburg customers and offer Broad Band Cable services. Let me note the \$6 million dollar fiber optic upgrade that customers have and the numerous options from the 12 channel broadcast tier to digital video on demand. We will continue to work diligently with the City and Council to renew the

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**PUBLIC HEARING MINUTES
FEBRUARY 24, 2004
PAGE 2**

franchise in a harmonious way. Also, concerning some statements in the Times & Democrat from February 24th previewing the Public Hearing, Time Warner did submit a franchise proposal on June 20, 2003. Also, according to the current franchise, it states that the City has the option of having a government channel and the City has not exercised that option as long as Time Warner has operated within the City. As for an emergency override channel, there is an even better emergency override system. The City's channel lineup is the same as in Columbia plus a local station."

Craig Thompson, Vice President and General Manager responded to Councilmember's questions.

Councilmember Rheney asked about deleting unwanted channels and adding ones you may want.

Mr. Thompson explained that the "a la carte" option is prohibited by Time Warner's contract with programmers. He explained that it would also be expensive to consumers and would require a converter in each home which would be an extra cost to the consumer.

Mayor Pro Tem Haire asked whether customers would receive any adjustment for loss of service during the recent ice storm.

Thompson stated, "Any customer who calls in, we will give an adjustment. We can't keep track of who lost service since there were hundreds of crews and our interest was getting the service back on."

Councilmember Barnwell asked, "If there was any intention of putting a manager or individual in the Orangeburg office to handle problems?"

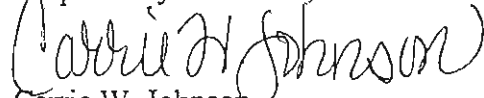
Thompson stated, "No changes are planned, there is a Technical Operations Manager in the Orangeburg office who can deal with customers who come in. Any calls are routed to Columbia to the main call center who handles all Time Warner's calls for longer hours from 8 am to 9 pm, seven days a week. It is not our intention to poorly serve Orangeburg, we want to serve this community well."

Mr. Thompson also addressed Mayor Pro Tem Haire's questions in regards to lack of competition. He stated, "That Time Warner has plenty of competition from satellite companies, it's a fairly competitive market and it is not like the consumer has no choices. It would be bad economics for a second cable company to go into an area."

Mary Ann Jacobs, Director of Public Affairs addressed Council highlighting local projects. "Time Warner is working with the Orangeburg Arts Center, the Boys & Girls Clubs and we have a wonderful partnership with Claflin University where *Orangeburg Inside Out* is produced and they support the Festival of Roses and work with the two School Districts serving the City. Across the state, some \$1 million in-kind and financial services has been provided to community organizations and many of those resources came to Orangeburg."

Mayor Miller asked for any public comments. Hearing none, the Public Hearing was closed.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk

**NOTE:
THESE MINUTES WILL ALSO BE DONE IN VERBATIM FORM**



**SPECIAL
CITY COUNCIL MINUTES
FEBRUARY 27, 2004**

Orangeburg City Council held a Special City Council meeting on Friday, February 27, 2004, at 12:00 Noon in Council Chambers with Mayor Miller presiding. An invocation was given by Service Department Director Roger Brant. The purpose of the meeting was to review the bids received for the removal and disposal of the storm debris and award a contract.

PRESENT:

Paul A. Miller, Mayor
Charles W. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

ABSENT:

Bernard Haire

Public Works Director Durwood Bowden addressed Council in regards to the bids received on the storm debris. Eleven proposals were submitted for two methods of removal of the debris. The two methods considered are hauling to the landfill or grinding of the debris to take to an enduser.

Mr. Bowden stated, "The lowest bid was from Storm construction Services, Inc., of Tuscaloosa, Alabama at \$13.73 per ton to grind the debris and haul to an acceptable enduser. The second lowest bidder was from J.P.W. Trucking at \$14.00 a ton."

Councilmember Jernigan asked, "How long would the process take?"

Mr. Bowden stated, "It is estimated to take about fourteen (14) days."

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to authorize the City Administrator to enter into a contract with Strom Reconstruction Services, Inc., to grind and dispose of the storm debris stored at the City's temporary dump sites at \$13.73 per ton and if the contract could not be negotiated, to enter into a contract with the second lowest bidder with J.P.W. Trucking. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to adjourn the meeting.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk





RESOLUTION

WHEREAS,

Luther C. Green faithfully served the City of Orangeburg for thirty-three years, and five days with a retirement date of February 27, 2004; and,

WHEREAS,

he, through his long and faithful service, contributed greatly to the successful operation of the City of Orangeburg; and,

WHEREAS,

the City Council, in recognition of the fine contribution rendered the City of Orangeburg, wants to inscribe on the records its appreciation.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Members of Council, in Council assembled, do officially recognize the faithful service rendered to the City of Orangeburg in the capacities in which he served the City and we take pride in commending him for a job well done.

BE IT FURTHER RESOLVED that a copy of this Resolution, in appreciation for his devotion of duty to the City of Orangeburg, be placed in the Minute Book of the City and a copy furnished to Mr. Green in recognition of his services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 2nd Day of March, 2004.



Lester Miller

MAYOR

Joyce W. Reeves

Charles D. Jones

Charles B. Dandridge

Samuel Hare

Thomas A. Miller

Sandra P. Kistler

MEMBERS OF COUNCIL

ATTEST:

Carrie H. Johnson

CITY CLERK



RESOLUTION

- WHEREAS,** the Orangeburg County Chamber of Commerce was started in 1904 and has continued to promote business and improve the quality of life for the citizens of Orangeburg County for the past 100 years; and,
- WHEREAS,** the Chamber actually used the present City Council Chambers as their office and the City and Chamber have historically worked together in promoting many community events to include the annual Christmas Parade and the Festival of Roses; and,
- WHEREAS,** during the past 100 years, the Chamber has been the voice of business, helping Orangeburg County become the best it can be and is now ready and anxious to begin its next 100 years of service; and,
- WHEREAS,** the Chamber has been a leader in the betterment of our community through programs, such as the Orangeburg County Community of Character initiative; strengthening individuals, families and our communities by promoting strong character; and,
- WHEREAS,** the Chamber has been responsible for producing leaders in Orangeburg County through "Leadership Orangeburg" for the past twenty-two years; and,
- WHEREAS,** the Chamber is committed to helping the communities of Orangeburg grow for the benefit of the entire County.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL of the City of Orangeburg, in Council duly assembled, congratulate the Orangeburg County Chamber of Commerce for 100 years of service to Orangeburg County and join them in celebrating 100 years of success.

PASSED BY the City Council of the City of Orangeburg, South Carolina on this 6th day of April, 2004.



Paul G. Minner
Mayor

Samuel Haile
Sandra P. Knotts

Charles B. Brumfield

Indros A. Miller

Paul D. Dugan

Joseph W. Pheneas
Council Members

Attest: *Carrie D. Johnson*
City Clerk

CITY COUNCIL MINUTES

MARCH 2, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, March 2, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Knotts.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles B. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to approve the February 17, 2004, City Council Minutes as corrected. This was a 5-0-1 vote as Councilmember Knotts abstained as she was not present at the meeting. Councilmember Barnwell was not present at the time of the voting.

A motion was made by Councilmember Knotts, seconded by Mayor Pro Tem Haire, to approve the February 24, 2004, Public Hearing Minutes. This was a 5-0-1 vote. Councilmember Miller abstained as he was not present at the meeting. Councilmember Barnwell was not present at the time of the voting.

A motion was made by Councilmember Rheney, seconded by Councilmember Knotts, to approve the February 27, 2004, Special City Council Minutes. This was a 5-0-1 vote. Mayor Pro Tem Haire abstained as he was not present at the meeting. Councilmember Barnwell was not present at the time of voting.

Ms. Mary Hudson from Orangeburg National Bank presented DPU Manager Fred Boatwright with the Community of Character Certificate for the month of February, 2004, "Dependability" for all the DPU employees in their efforts during the recent ice storm.

Dr. Eugene Atkinson held a slide presentation of historic Orangeburg photographs. Dr. Atkinson is publishing a second book about Orangeburg later this year.

Luther Green was presented a Resolution and a gold watch for his retirement from the City. He served the City for thirty-three years and five days. Mayor Miller and Buster Smith, Parks and Recreation Director, praised Mr. Green for his attitude and his service to the City.

Mayor Miller presented Ms. Mary Hudson from Orangeburg National Bank a Proclamation for the Community Character Trait, "Citizenship" for the month of March 2004.

City Administrator Yow presented to Council the plans for the new Public Safety/Municipal Court Complex. City Administrator Yow stated, "In 1992, we purchased the land with the idea of building a new public safety/court complex. The 28,000 square foot building will house all of the public safety offices, as well as the municipal court, currently located at the Orangeburg Calhoun Law Enforcement Complex on Ellis Avenue Extension. Eight bids were received and the low bid was from Gamble and Stuckey of Manning, South Carolina, in the amount of \$3,773,000. City Administrator Yow explained that City staff and project architects met to review the bids and to see if cost reductions could be made. The total cost was reduced by \$106,000. The project will be funded by the General Obligation Bond, County Capital One-Percent Sales Tax and from the potential sale of assets."

PAGE 2

Councilmember Barnwell questioned whether the courtroom would be adequate to meet the Municipal Court needs.

City Administrator Yow stated, "As you know, this was reviewed at the Council Planning Retreat and based on the projections, the Courtroom would be adequate and more court dates could also be scheduled, since the City wouldn't be competing with the County for courtroom space."

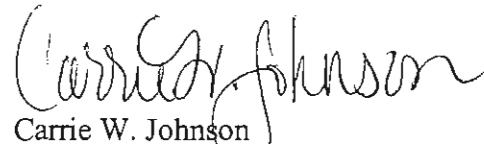
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a contract in the amount of \$3,772,918 to Gamble and Stuckey for the construction of the Department of Public Safety and Municipal Court Complex. This motion was unanimously approved.

There were no utility matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to enter into an Executive Session for a contractual matter concerning Cable TV and a personnel matter concerning the Department of Public Safety. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
Assistant City Clerk



CITY COUNCIL MINUTES MARCH 16, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, March 16, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Roger Brant, Director of the Service Department.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles B. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the March 2, 2004, City Council Minutes as corrected. The correct figure of \$3,772,918 for bid award to Gamble and Stuckey was entered into minutes in place of incorrect price of \$3,773,000. This motion was unanimously approved. Councilmembers Knotts and Miller were not present at the time of the voting.

Mr. Buster Smith, Director of Parks and Recreation, introduced the 2004 South Carolina Queen of Roses and Miss Orangeburg Teen. Miss April Cary, is the reigning 2004 South Carolina Queen of Roses whose community project is "Abstinence". Miss Orangeburg Teen, Miss Jennifer Lundy, discussed her hunger awareness project.

Received as information from Mr. Melvin Lee, who questioned the appeals process for protesting decisions by the Department of Public Utilities.

Mr. Lee stated, "The terms and conditions given out by DPU doesn't explain the appeal process and I would like to know if you have any problems with services or bills with DPU, where do you go or what do you do for recourse? Do you write it up, appeal to City Council, City Administrator or to some other person, if the decision made by DPU is unfounded?"

Mayor Miller explained, "The terms and conditions are given out by DPU and approved by Council and that is what DPU has to live by, DPU has no latitude under the terms and conditions. I don't know which one of the terms and conditions you are referring to?"

Councilmember Miller asked, "What type of problem are you having?"

Mr. Lee complained, "My elderly mother was accused of meter tampering and had her gas cut off. My mother is 72 years old and my ten year old grandson lives with her. I called DPU that night and talked with customer service and explained the problem and didn't get any satisfaction. I went to DPU the next morning and was told that the meter had been tampered with and was given a bill for tampering."

Mayor Pro Tem Haire asked, "Who did you meet with at DPU?"

Mr. Lee stated, "It was Mr. Webber and Mr. Sells. The house is on a corner and anyone could tamper with the meter. What can I do if I disagree with DPU's procedures?"

City Attorney Walsh stated, "Anyone who disagrees with a DPU decision can come before City Council."

DPU Manager Fred Boatwright explained the terms and conditions according to DPU policy is given to every customer and also available upon request.

CITY COUNCIL MINUTES**MARCH 16, 2004****PAGE 2**

Councilmember Rheney asked, "Is an appeal process in the terms and conditions?"

Manager Boatwright stated, "No."

Mayor Miller stated, "City Council will take this issue under advisement. As for tampering, let us think about that, I can't promise we can do anything?"

City Administrator Yow presented to City Council a letter from the South Carolina Department of Transportation District Engineer Administrator, Dean Campbell, about studies at both intersections of Middleton and Berry Streets and Middleton and Carolina Streets. He stated, "This was discussed previously and SCDOT showed no need for major changes such as four-way stops."

Councilmember Rheney stated, "If they stripe the streets with stop bars as they indicated, I think that would help."

Mr. Durwood Bowden, Public Works Director, addressed Council on the bids taken to clean up storm debris at Hillcrest, Edisto Memorial Gardens and City parks. He stated, "There are some 1,186 trees with hanging limbs that have been identified at Hillcrest, Edisto Memorial Gardens, the Disc Golf Course and various parks and playgrounds throughout the City. In addition, there are twelve leaning trees. I recommend that Council authorize Mr. Yow to enter into a contract with Storm Reconstruction Services of Tuscaloosa, Alabama for the clearing of storm debris for the City property at the following unit prices of \$6.47 per ton for storm debris removal, \$29.00 per cubic yard to chip and haul storm debris, \$47.00 per tree to remove hanging limbs, \$75.00 per small tree removal and \$125.00 per large tree removal. We will primarily use the hauler to the landfill unit instead of the chipping unit for most of the debris removal. This is the same company that is grinding the debris for us and they are doing a good job."

Mayor Pro Tem Haire asked, "What about the trees that are hanging in the City on the streets in the right-of-way?"

City Administrator Yow stated, "In an earlier conversation, the SCDOT stated they will take on the responsibility of removing limbs hanging over the right-of-way."

Mayor Pro Tem Haire questioned about the availability of mulch to citizens as other cities are doing.

City Administrator Yow stated, "We have discussed that and to try to reduce the cost, the mulch belongs to the contractor to resell."

Councilmember Rheney asked, "In the future, can we allow the City Administrator and staff to make decisions after a disaster to take action immediately?"

City Administrator Yow stated, "The City Attorney has provided a draft Ordinance for review that will address that concern."

There were no utility matters brought before Council.

A motion was made Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve entering into an Executive Session for a contractual matter concerning the Department of Public Safety and a legal matter concerning the Finance Department.

Council entered back into open session.

CITY COUNCIL MINUTES
MARCH 16, 2004
PAGE 3

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to increase the bid for the DPS and Municipal Court Complex to a total of \$3,790,917 due to increased steel prices, which is an increase of \$17,999. City Administrator Yow stated that City officials negotiated the amount after steel increased about \$60,000 since the project was bid.

There being no further business, a motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to adjourn the meeting. This was unanimously approved.

Respectfully submitted,

Carrie W. Johnson

Carrie W. Johnson
Assistant City Clerk

CWJ/pfb



CITY COUNCIL MINUTES

APRIL 6, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, April 6, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Mayor Pro Tem Haire.

PRESENT:

Paul A. Miller, Mayor

Bernard Haire

Charles B. Barnwell

Charles W. Jernigan

Sandra P. Knotts

Trelvis A. Miller

Joyce W. Rheney

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the March 16, 2004, City Council Minutes as distributed. This motion was unanimously approved. Councilmember Miller was not present at the time of voting.

Parks and Recreation Director, Buster Smith, presented to the Superintendent of Parks, Jay Hiers, a Certificate of Achievement for Outstanding Garden Maintenance from The All American Rose Selections. This was the third consecutive year that the City has received this award.

Mayor Miller presented David Coleman, President of the Chamber of Commerce and Randy Snell, Chairman, a Resolution for the Chamber's 100th Anniversary. The Chamber was organized in 1904.

Mayor Miller presented to DORA Manager, Bernice Tribble and Chamber President, David Coleman, a Proclamation for the Community Character Trait for the month of April 2004, "Kindness".

Mayor Miller asked City Administrator Yow to forward the Proclamation for the Gift of Life Trust Fund to the appropriate persons since there was no one present at Council to receive it.

Mr. Joe Binnicker, CPA, for C.C. McGregor and Company, LLP, presented Mayor and Council with the FY 2002-2003 Audit for the City and DPU. Mr. Binnicker stated that the outlay of the Audit looks different and it should be more user-friendly. This is in accordance with the new government accounting standards Management has added a discussion and analysis section in the audit, that was not done in the past. He once again reported that the City is in good financial shape and is fiscally sound. The City's General Fund increased its fund balance by approximately \$900,000.00 or 16%. The Golf Course and Pro Shop Fund combined profit was \$41,000.00 before depreciation. Overall, the City's net assets increased 4% over the prior year. The Department of Public Utilities net assets increased 4% from the prior year also.

Parks and Recreation Director Buster Smith presented Council with a Youth Corps Employment and Training Grant for 2004. The grant from the South Carolina Department of Transportation (SCDOT) will enable the City to employ seven young people between the ages of 16 and 25, for seven weeks. Seven landscaping projects will be done through the program including the four islands at the intersection of Chestnut and Columbia Road, the planting of cypress trees on Seaboard Street, landscaping the front of Orangeburg Cemetery and around the Mountain Brook in the Edisto Memorial Gardens. We have received donations for the project from the two local Rotary Clubs, Keep America Beautiful and the Dick Horne Foundation. Director Smith informed Council, that because of the budget cuts, the SCDOT may not be able to fund the entire \$16,000.00 grant.

Mayor Pro Tem Haire asked, "If those employed last year would have an inside track for this year?"

Director Smith replied, "It's not definite, I try to give as many young people a chance as possible."

CITY COUNCIL MINUTES
APRIL 6, 2004
PAGE 2

Councilmember Barnwell asked, "How much will the grant will be cut back?"

Director Smith replied, "Nothing is specific, it may not be cut."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to authorize City Administrator Yow to accept this grant. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to enter into an Agreement with Cherokee Construction Inc., in the amount of \$1,876,634.00 for streetscape construction on Middleton and Russell Streets and in the front of City Hall and the Department of Public Utilities.

Mayor Pro Tem Haire addressed Council concerning the traffic light on Goff Avenue and 21 By-Pass. He stated, "I have had concerns as it related to the traffic light at Goff Avenue and the 21 By-Pass. My concern is the amount of time it takes between light changes at this intersection. This afternoon, I went down to the intersection with a stop watch and did timings of the light sequences. Traffic on Goff crossing the 21 By-Pass seemed to be an eternity before the light changed. I did not see anywhere else on the 21 By-Pass where the light sequences rival the amount of time it takes for this light to change. There is a device in the street to notify light sequences, this is basically when an individual reaches the point to trigger the light signal that traffic is at that junction. Traffic on Goff for triggering light changes, 1 minute 33.34, 1 minute 32.29 and 1 minute 30.53. The traffic light on Goff as it related to how long the light stays on as it related traffic crossing 21 By-Pass, 41.35 seconds, 52.71 seconds, and 34.75 seconds. I would hope that this Council would ask because of these concerns that the SCDOT look into this matter and see if some adjustment might be needed as it relates to this intersection." A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, and unanimously approved.

Councilmember Miller brought up the traffic light at Magnolia and Russell and stated that this light has the same problem. City Administrator Yow responded that the SCDOT has already looked at this intersection.

Mayor Miller asked about the possibility of putting a traffic light at Goff and Magnolia to slow down traffic and that it is virtually impossible to turn left off of Peasley Street onto the railroad track when there is a light at the by-pass and a light at the Railroad Corner. "If you are on Zan Street or Peasley Street and you are trying to turn left, it is impossible to do so. I would just like to add that as a separate request, while they are looking at the timing of the light on Goff and 21 By-Pass.

Agreeing with the Mayor, Councilmember Miller also asked that a caution light or some device be used at the curve on Goff Street to protect pedestrian traffic from speeding vehicles.

City Administrator Yow reminded Council, "At a recent meeting we asked to not make motions on items not on the agenda, however, if you say it is all related to Goff, that's fine with me."

Mayor Miller stated, "I say it's all related to Goff."

Councilmember Knotts pointed out that Department of Public Safety Chief Wendell Davis recently responded to a request from Claflin University for his opinion. He felt that the traffic signal could be beneficial but the request would need to come from Claflin University or City Council.

Mayor Miller made a motion that the South Carolina Department of Public Transportation (SCDOT) to conduct a study a the intersection of Zan, Goff and Peasley streets for some signalization to make it easier for left turns. Mayor Pro Tem Haire made a second to the motion, and it was unanimously approved.

CITY COUNCIL MINUTES
APRIL 6, 2004
PAGE 3

Councilmember Rheney asked, "If the SCDOT conducts studies every year at such intersections. Pertaining to traffic, the City's worst fear has been realized with a death at the corner of Columbia Road and Highway 21, since we are bringing up Highway 21. This Council requested a reduced speed limit on Chestnut." City Administrator Yow agreed.

Councilmember Miller made a motion to request a study on Goff, on the curve near the University, to see if a caution light, or some device, be used to slow down traffic on Goff Avenue due to the number of pedestrians. Mayor Miller seconded the motion. Councilmember Barnwell asked about the possibility of speed bumps to slow down traffic. Councilmember Miller amended his motion for the request to be made to determine the most plausible traffic controlling device. This motion was unanimously approved.

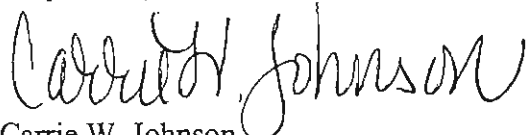
Councilmember Barnwell addressed Council to ask for their support on a Resolution for The Federal Legislative Delegation to support consumer rights to choose cable channels. He explained, "In the paper recently there is a federal committee looking at the issue of the cable industry, in general, forcing customers to purchase a package with channels that the customer may not want."

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to support a Resolution for the Federal Delegation to support consumer rights to choose cable channels. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution authorizing the execution of a Railroad Spur Tract Easement Agreement between the City of Orangeburg and Dervium Capital, L.L.C. This motion was unanimously approved.

There being no further business, a motion was made by Councilmember Miller, seconded by Councilmember Barnwell, to adjourn the meeting.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk

CWJ/pfb



CITY COUNCIL MINUTES APRIL 20, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, April 20, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Service Department Director, Roger Brant.

PRESENT:

Paul A. Miller, Mayor

Bernard Haire

Charles B. Barnwell

Charles W. Jernigan

Sandra P. Knotts

Trelvis A. Miller

ABSENT:

Joyce W. Rheney

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the April 6, 2004, City Council Minutes as amended. This motion was unanimously approved. Councilmembers Miller and Barnwell were not present at the time of voting.

Mayor Miller presented a Resolution to South Carolina State University player, Mr. Thurmond Zimmerman, for his selection to the 2003-04 NCAA All-America Basketball Team.

City Attorney Walsh presented Council with a Resolution authorizing the execution of a Standstill Agreement between the City of Orangeburg and Time Warner Entertainment Advance/Newhouse, A New York General Partnership DBA Time Warner Cable.

City Attorney Walsh stated under the Standstill Resolution basically everything under the formal process is at a standstill while the City and Time Warner attempts to negotiate under the informal process. If the City decides to go back to the formal process it will pick back up where it left off. A motion was made by Councilmember Jernigan, and seconded by Councilmember Barnwell. This motion was unanimously approved.

City Attorney Walsh presented Council with an Ordinance which would extend the existing Franchise Agreement with Time Warner for one year. City Attorney Walsh explained that the extension would allow Time Warner to fully implement improved training procedures to produce better handling of outages and consumer complaints. He stated the Ordinance was being presented after the City had taken a number of steps under the formal process to extend the franchise. He stated one issue that was constantly discussed in the formal process was the response by Time Warner to complaints from customers. Mr. Walsh stated that "Mr. Craig Thomas is on board" and he advised the City that Mr. Thomas had implemented a training program for employees of Time Warner. He further advised Council that Time Warner had requested additional time to show more improvement. A motion was made by Councilmember Knotts, seconded by Councilmember Jernigan to approve the First Reading of an Ordinance extending the Franchise Agreement between the City of Orangeburg and Time Warner Entertainment – Advance/Newhouse, A New York General Partnership DBA Time Warner Cable. This motion was unanimously approved.

A Proclamation was presented to proclaim April as Fair Housing Month. Mayor Miller gave the Proclamation to City Administrator Yow to forward to the proper authorities.

City Administrator Yow presented Council with an Ordinance to provide remedies for defective operation of vending machines. He further noted that at a previous meeting, Mayor Pro Tem Haire brought up his concerns on machines taking money and not providing the service and City Council had directed the City Attorney to draft an Ordinance to require businesses to make immediate refunds to customers for malfunctioning vending machines on their property.

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Page 2

Councilmember Jernigan asked, "What are the conditions of the license and methods of refunding in the Ordinance. I am not clear on what it wants the business to do. Does it mean that we want the business or the owner of the machine or both to give refunds?"

City Attorney Walsh stated, "There are two types, one is that the merchant owns his own machines and they are not licensed and the other is that the merchant has machines on the property that do not belong to him and they are licensed by the owner and the owner of the machines would have to give the refunds to the owner of the business."

Councilmember Jernigan asked, "Is that where the escrow fund comes in?"

City Attorney Walsh stated, "That is right."

Councilmember Jernigan asked about the machines that are on City property, "Who is responsible for those refunds?"

City Attorney Walsh stated, "The City."

Councilmember Barnwell asked, "Who gets the license, the owner of the machine or the merchant?"

City Administrator Yow stated, "The owner of the machines gets the license."

Councilmember Barnwell asked about the affidavits, "Whose license would get revoked?"

City Attorney Walsh stated, "The owner of the machines."

Councilmember Barnwell asked, "How are you going to enforce it? Under the Ordinance, if a customer does not get his refund, he can sign an affidavit with the City's Finance Department. If the Department receives more than five (5) per month or twenty-five (25) in a year, the vending machine license shall be revoked."

City Administrator Yow stated, "If you pass it, we'll do our end of enforcing it. If we have problems with it, we'll be honest and come back to Council"

Councilmember Barnwell stated, "The intent of the Ordinance is good and Councilmember Jernigan agreed."

Councilmember Barnwell asked, "What if the owner does not have an escrow fund?"

City Attorney Walsh stated, "That would mean the person would need to file an affidavit with the City Finance Department."

Councilmember Jernigan asked Mayor Pro Tem Haire, "What examples do you have in this regard as this relates to this Ordinance that was brought up a few months ago."

Mayor Pro Tem Haire stated, "They are personal and some others from citizens. In my particular situation, I attempted to get some air from a service station and I deposited the money in the machine and it did not work. I went inside the business and informed the attendant that I did not receive the service in which I paid for. The attendant asked me for my name, address, and information to where the refund could be mailed and I never received it. On another occasion, I was at another service station, someone before me placed their coins in a machine and it did not work, they went inside and told the cashier about the problem. The individual was told he had to go down the street in order to get the refund and I think that is ridiculous."

Councilmember Jernigan stated, "I agree, but I am not sure that this will solve the problem?"

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Mayor Pro Tem Haire stated, "I believe that any business that has machines, they reap some financial benefit from it, if they didn't the machines wouldn't be there. If the businesses have permitted these machines on their property, they become liable because they get funds from them. They put themselves there because they want the profit from the vending machines."

Councilmember Jernigan stated, "I really hate to pass an Ordinance that would put an undue hardship on small businesses in the City."

Mayor Pro Tem Haire stated, "What undue hardship?"

Councilmember Jernigan responded, "If they set up an escrow account, they'll have to monitor it and it's another account of funds to keep up with, it's more government intervention into business."

Mayor Pro Tem Haire stated, "There would be no hardship if the machines were working properly and it would not be necessary, if they were working properly. These businesses would not have them if they didn't want the monies being generated from the machines. If the merchant simply made the refund and then got it back from the vending machine owner, no problem would be created."

Mayor Miller asked about the newspaper boxes?

City Attorney Walsh stated, "It would fall under the Ordinance."

Mayor Pro Haire stated, "Fifty cents is not going to break me, putting a dollar in a vending machine won't break me, but if I pay for a service, I should get it. A lot of time customers don't receive the service and they just go away, it's not worth the hassle."

Councilmember Barnwell agreed that Council owes a duty to the public.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the First Reading of an Ordinance providing remedies for defective operation of vending machines. The vote was 5-1, with Councilmember Jernigan opposing.

There were no matters brought before Council concerning the Department of Public Utilities.

There being no further business, a motion was made by Councilmember Barwnell, seconded by Councilmember Miller, to adjourn the meeting. This motion was unanimously approved.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk





RESOLUTION AUTHORIZING THE EXECUTION OF A RAILROAD SPUR TRACT EASEMENT AGREEMENT BETWEEN THE CITY OF ORANGEBURG AND DERVIMUM CAPITAL, L.L.C.

WHEREAS, under Contract of Sale between the City of Orangeburg and Dervium Capital, L.L.C. dated August 15, 2002 the City of Orangeburg purchased a tract of land containing 39.17 acres, and;

WHEREAS, under said Contract of Sale a railroad spur tract easement was to be reserved by the then owner, Dervium Capital, L.L.C., and;

WHEREAS, Dervium Capital, L.L.C. through error and omission failed to reserve the use of said railroad spur tract easement in its conveyance document, and;

WHEREAS, the parties now wish to correct said omission.

NOW, THEREFORE, BE IT RESOLVED BY COUNCIL DULY ASSEMBLED, that Fred H. Boatwright, Manager of the Department of Public Utilities is hereby authorized to execute the attached Railroad Spur Tract Easement Agreement dated March 8, 2004 for the purpose of granting to Dervium Capital, L.L.C. a railroad spur tract easement as described therein.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 6th DAY OF APRIL, 2004.



Paul G. Miller
MAYOR

Edward Haire
Danah T. Quotts
Charles B. Samuel
Thomas A. Miller Jr
Bob Dugan
Joseph Pherey
MEMBERS OF COUNCIL

ATTEST:

Carrie W. Johnson
ASSISTANT CITY CLERK

**RESOLUTION AUTHORIZING THE EXECUTION OF A STANDSTILL
AGREEMENT BETWEEN THE CITY OF ORANGEBURG AND TIME WARNER
ENTERTAINMENT-ADVANCE/NEWHOUSE, A NEW YORK GENERAL
PARTNERSHIP D/B/A TIME WARNER CABLE.**

WHEREAS, Time Warner currently holds a cable television franchise awarded by the City, which franchise authorizes Time Warner to provide cable services within the City (the "Franchise"); and

WHEREAS, Section 626 (a)(1) of the Cable Communications Policy Act of 1984, as amended, 47 U.S.C. § 546 (a)(1) (the "Cable Act"), provides that if a written renewal request is submitted by a cable operator during the 6-month period which begins with the 36th month before franchise expiration and ends with the 30th month prior to franchise expiration, a franchising authority shall, within six (6) months of the request, commence a proceeding to identify future cable-related community needs and interests and to review the performance of the cable operator under the franchise during the then current franchise term; and

WHEREAS, Time Warner has submitted the written request specified in §626 (a)(1) of the Cable Act by letter dated August 31, 2001; and

WHEREAS, Time Warner's written request advises the City that Time Warner is invoking its rights under the formal renewal procedures set forth in Section 626(a)-(g) of the Cable Act, 47 U.S.C. § 546 (a)-(g) (the "Formal Process"); and

WHEREAS, the City held a public hearing under the Formal Process on February 19, 2002 and Time Warner was notified of such hearing by letter dated December 27, 2001; and

WHEREAS, representatives of Time Warner attended and participated in the public hearing of the City held on February 19, 2002; and

WHEREAS, the primary issues then in dispute between the City and Time Warner were the term of the franchise renewal and Time Warner's timely response to outages and consumer complaints; and

WHEREAS, representatives of Time Warner have acknowledged opportunities for improvement in the training of personnel handling outages and consumer complaints and has initiated an improved training program; and

WHEREAS, the City has been advised that as a result of additional training of personnel substantial improvements will be achieved in the areas of response to outages and consumer complaints and Time Warner has requested that the City extend the existing Franchise Agreement for an additional year, expiring on May 31, 2005, to fully implement its improved training procedures; and

WHEREAS, the City has agreed to said extension on the assurance that response to outages and consumer complaints will improve during said extended term; and

WHEREAS, the City and Time Warner now agree that utilizing the informal renewal process during the extended term described in Section 626 (h) of the Cable Act, 47 U.S.C. §546 (h), (the "Informal Process") is mutually beneficial and preferable to the formal renewal procedures and timelines set out in the Formal Process.

WHEREAS, for the reasons stated hereinabove the City of Orangeburg has agreed to enter into a Standstill Agreement attached hereto and made a part hereof by reference.

NOW, THEREFORE BE IT RESOLVED BY COUNCIL DULY ASSEMBLED, that John H. Yow, City Administrator, is hereby authorized to execute the attached Standstill Agreement on behalf of the City of Orangeburg, State of South Carolina.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 20th DAY OF APRIL, 2004.



Paul G. Miller

Mayor

James D. Haire

Sandra R. Harts

Charles B. Burchett

Chub Dugan

James A. Miller

Members of Council

ATTEST: Carrie W. Johnson
City Clerk

CITY COUNCIL MINUTES

May 4, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, May 4, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Rheney.

PRESENT:

Paul A. Miller

Bernard Haire

Charles B. Barnwell

Charles W. Jernigan

Sandra P. Knotts

Trelvis A. Miller

Joyce W. Rheney

A motion as made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the April 20, 2004, City Council Minutes as distributed. This was a 6-0-1 vote. Councilmember Rheney abstained as she was not present at the meeting.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance extending the Franchise Agreement between the City of Orangeburg and Time Warner Entertainment-Advance/Newhouse, a New York General Partnership D/B/A Time Warner Cable, dated May 4, 1995 and expiring on May 31, 2004. This motion was unanimously approved.

City Administrator Yow addressed Council for discussion of the Ordinance for providing remedies for effective operation of Vending Machines. "We do not have that scheduled for second reading tonight. I have been contacted by many of you that you have received inquiries and concerns about this Ordinance and after conferring with Mayor Miller and Mayor Pro Tem Haire, they agreed that we could put it on the agenda tonight for discussion and not for the second reading."

Mayor Miller asked for any discussion for the Vending Machine Ordinance.

Mayor Pro Tem Haire stated, "I just want to say there have been a lot of Councilmembers receiving input from various citizens as it relates to the Ordinance. I would move that we schedule a Public Hearing and give the citizens an opportunity to come and express their concerns in hopes to possibly have their concerns answered. I would move that we have a Public Hearing at our next Council meeting. You have to have a fifteen day notice so that would make it the 1st meeting in June, so I move that we have a Public Hearing as it relates to this issue for the first meeting in June." This motion was seconded by Councilmember Miller.

City Attorney Walsh stated, "It is not a Public Hearing for any legal matter, I am not too sure we have to comply with the statute."

City Administrator Yow stated, "I think this is a good point made by Attorney Walsh and if we do not have a second reading that night, we may be able to schedule the Public Hearing at the next meeting. That way we could have it quicker."

Mayor Miller stated, "We will have a discussion as it relates to a Public Hearing at the next meeting and then take it under advisement from there, which will be May 18th."

Councilmember Jernigan asked, "You said we would have second reading of the Ordinance at that time?"

City Administrator Yow stated, "I am saying that we would not, but Attorney Walsh has said that he does not think that we would be violating any legal matter."

Attorney Walsh stated, "That would be our regular Council meeting and in that case, you could have second reading after the Public Hearing, if you want to. You could at least have it on the agenda, but I do not know if you want to take action on it or not."

Councilmember Barnwell stated, "I, as every member on Council has received telephone calls regarding the pros and cons as to it pertains to this Ordinance, and I will probably agree that we acted somewhat in haste and did not give this total attention on the ramifications, as it relates to merchants, vending machine operators and the citizens of Orangeburg. I am totally and adamantly opposed to any Public Hearing. I was elected by the citizens to address these direct issues and if we do not have the intestinal fortitude to take this on and decide this ourselves, I do not belong on Council. I am totally opposed to a Public Hearing. Why pass it on the public when this is something that they elected us to decide. It may need some modification and changes, but a Public Hearing; you saw what happened when we had a Public Hearing for cable TV, no one showed up."

Mayor Miller stated, "Let me say this, I have been on Council for several years and out of all the issues that we have had, I have more telephone calls concerning this particular Ordinance in the way that it is written. I voted to pass it on the first reading last time, but due to listening to small business people and people who are involved with these vending machines and hearing both sides of it and some of the methods to refund money, I think that we should allow these people that have been calling us an opportunity voice their opinion for or against the Ordinance. We then should take under consideration, if we need to make changes to the Ordinance, then we will need to make those changes. I could not support this Ordinance the way it is written."

Councilmember Barnwell stated, "I cannot support it the way it is written either. I think we are shirking our responsibilities as elected officials to pass it on a Public Hearing. If we do not have the guts to stand up and face this issue ourselves, we have no business submitting this to the public."

Councilmember Jernigan stated, "I have not changed my mind since the last meeting where I was opposed to the Ordinance anyway. The phone calls that I have gotten, and I have gotten as many as anybody, all of them are against the Ordinance. I just do not see what a Public Hearing will accomplish. I agree with Councilmember Barnwell because I think it is our decision to make. I think the public has spoken to us and I also believe that this is just not good use of City resources to try to pass an Ordinance like this that we have got to enforce and monitor and use our Finance Department and City Administrator's time to keep up with this Ordinance. I think we should move on with this as fast as possible and vote it down."

Councilmember Rheney stated, "I came in on the tail end of this thing, but I had many phone calls when I got back on my answering machine and I have since read the minutes, I certainly am inclined to agree with Councilmember Jernigan, it is a bad, at this point, it is bad, it penalizes the owner of the businesses and I could not support it."

Councilmember Barnwell stated, "I think it does need an airing out between Councilmembers. I am not in favor of the Ordinance as it stands now. I said that I thought we acted too hastily and did not give it the proper attention on the potential ramifications. At the same time, we owe just as much duty to the citizens of Orangeburg as we do to the merchants and vending machine operators and by submitting it to a Public Hearing, I think we are shirking our responsibilities as elected officials. I cannot support the Ordinance as it is now and I will not support it for a Public Hearing."

Mayor Miller stated, "There is an amended motion to hold a Public Hearing at the next Council meeting May 18, 2004."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to hold a Public Hearing on May 18, 2004. The vote was 4-3, with Mayor Pro Tem Haire, Councilmembers Knotts and Miller and Mayor Miller voting for and Councilmembers Barnwell, Rheney and Jernigan against.

Mayor Miller presented the Character Trait Proclamation for May 2004, "Perseverance" to David Coleman, President of the Chamber of Commerce and Ms. Bernice Tribble, Downtown Orangeburg Revitalization Association Manager.

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Parks and Recreation Director Smith requested \$1,000.00 from Orangeburg Cemetery Fund and \$1,000.00 from Sunnyside Cemetery Fund to purchase weed trimmers to be used in the cemeteries.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the transfer of funds from the cemeteries' funds for the purchase of weed trimmers. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Banrwell, to approve the First Reading of an Ordinance repealing Ordinance No. 2003-13. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the First Reading of an Ordinance approving a Settlement Agreement between the City of Orangeburg and BellSouth Telecommunications, Inc. This motion was unanimously approved.

City Administrator Yow presented to Council discussion of the Dept of Public Utilities, General Terms and conditions regarding deposit. "Councilmemer Miller asked that I place this on the agenda. I did that and made Mr. Boatwright aware of this."

Councilmember Miller addressed Council, "After reevaluating the terms and conditions, Item #C-Deposits, I have a concern and my concern was that by looking at the terms and conditions it establishes that a new occupant or a new resident owner, their deposit is based on the previous owner or resident's last two bills. My concern is that the old occupant has five or six individuals living in that home and the new occupant has one, their bill will not be the same. I do not believe that the new occupant should have his bill or his deposit based on the previous owners. I know at one point in time there was just a set fee for deposit. When I moved in, it was \$ 65.00, but some people are paying some high fees and this is just not feasible. I believe that we should have a set fee, a reasonable set fee that a new occupant needs to pay as a deposit rather than basing it on the last two months of the previous occupant."

Mayor Miller states, "Where it says equal to two months probable service, Mr. Boatwright can you address Council as it relates to this section of the Terms and Conditions."

DPU Director Boatwright addressed Council, "First let me say that Councilmember Miller called me and expressed his concerns about this issue and advised me that this was going to be on the agenda, and I appreciate that, It gave me an opportunity to do some preparation for this meeting This provision in the Terms and Conditions has been in effect since 1993, and it is based on the guidelines of the Public Service Commission and we do understand that for some citizens this is very difficult. Because it can be a substantial amount of money as you may be aware. We do have, or at least I want to draw your attention to, we do offer some alternatives to the two-month probable service. They are as follows:

1. A credit check from an accredited credit agency, with a pass-fail only. If it is a pass then no deposit is required for initiating service. This particular credit check costs the customer \$ 3.00.
2. Provide an acceptable letter of credit from another utility, which the customer has a history with, if they can get a letter of good credit from the previous utility provider then no deposit is required.
3. To accept the prepaid meter if applicable and available, then no deposit is required. That option is presently unavailable to any customer. If you remember correctly a few years ago we started a prepaid meter program and it was running along and doing very well, but then our equipment manufacturer pulled all of our equipment and gave us money back for the equipment. We are presently negotiating with a second provider for our equipment. This was a very popular option for some people.

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4. To provide a guarantor who also must have good credit with the department or until good credit is established.
5. We allow landlords to be guarantors if they want to. There is some success with that and in some cases there is not.

DPU Manager Boatwright stated, "For the two months probable, there are three ways this can be done:

1. They can pay 100% of that in advance, which a lot of people find very difficult to do.
2. To pay ½ of the two months probable in advance and to bill the second half on the first bill
3. Two months probable is automatically reduced by 50 % if the customer will elect to go on the electronic funds transfer.

Those are the options that our customers have; still we have some customers that this is a problem for. There are some customers this is a problem and we are aware of that. I want to draw your attention to the fact that deposits and collections of bad debts is a serious problem for us. In 2003, the department had to charge off \$ 268,407.00 for bad debt. We did recover approximately \$31,000 through the State's Program through the MASC on Set-Off Debt Collections. The total that we really lost was \$231,244.00, which is ¼ of a million dollars. That represents about .375% of our revenues and our goal is .2%. Over the last couple of years those numbers have been rising sharply and they have been rising because utility bills have been going up and they have been going up not so much as the cost of utilities per unit has gone up, but that has occurred, the consumption levels have gone up dramatically, for whatever reasons. Councilmember Miller's point and it is very well taken, is that when a new customer comes to us and has no history with us, we do not know what two months probable bill is likely to be, so what we do is go to the premise that they are going to reside at and we look at the past usage at that premise and on that information, we base the two month probable. While it is certainly true that in a given premise that a two person family will used less utilities than a six person family, we need to remember a number of things. First of all we do not know how many people live at a premise, and we consider that to be a privacy issue that really is none of our business. Secondly, national statistics wherever you look, certainly true in Orangeburg, and relate them to dollars in Orangeburg, you would find that \$60-\$80 a month are utilities consumption that is used by everything except for conditioning air. The balance is used for conditioning air, either for cooling it or heating it. The premise is that if you live in a house and you condition the air in that house, whether there are two or six living in that house, the great bulk of the utility usage is conditioning of the space. We all know that if you are washing clothes for six, heating water for washing clothes, it is greater than for two. If you have teenagers and the showering it is a whole lot more, but if we are going to use two months probable, which is the national standard in the Public Safety Commissions Guideline, I do not know how we are going to know other than using a history at the premise. I will be happy to answer any questions."

Councilmember Barnwell stated, "You mentioned about an individual establishing a good credit history, how long does it take for one to establish a good credit history"

DPU Director Boatwright answered, "Two Years."

Councilmemberr Barnwell stated, " When you say a good credit history, you are talking about not missing or being delinquent in payments?"

DPU Director Boatwright answered, " One time, we forgive one time."

Councilmemberr Barnwell stated, " I believe in the General terms somewhere there is a refund of deposit after two years."

DPU Director Boatwright answered, " Yes, after two years of good payment history, we refund the entire deposit."

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Councilmember Barnwell asked, "What happens in the event the customer moves out and does not pay the utility bill? Is that two months held in escrow, then applied toward the balance?"

DPU Director Boatwright answered, "If a customer has a deposit with us, and they move out and do not pay the bill, we take the last bill out of the deposit. If the deposit is sufficient to cover the final bill, but if the deposit is not sufficient to cover the bill, we try our best to recover it. If the deposit is more than the final bill, then we refund the balance to the customer."

Mayor Miller stated, "Then it would appear that we do not have enough deposit, if we had a shortfall of \$ 231,000, so we are not getting deposit on some cases."

Councilmember Miller stated, "I am not sure I am hearing this correct, are we recouping money from a new customer that is someone else's responsibility?"

DPU Director Boatwright answered, "No Sir."

Councilmember Miller stated, "What I am asking is if a person decided not to pay DPU and leaves DPU with a debt, the individual, the new occupant that comes for new service, they have to somehow gauge within the last two bills of that previous owner their deposit."

DPU Director Boatwright answered, "No sir, that is not correct. Whether a customer is a good customer or a customer that does not pay well, if they go to move into a premise, we look at the utility bills on that premise for the last twelve months and we pick two months probable."

Councilmember Miller asks, "Do you select any two?"

DPU Director Boatwright answered, "We select the two highest consecutive months. That is what we select."

Councilmember Miller stated, "I think that is unfair."

Councilmember Knotts asked, "Does this deposit, equal of two months, does that apply to new construction as well, and how do you obtain two months for something that has just been built?"

DPU Director Boatwright answered, "We have to estimate, that is the only way that we can do it. Most of the time, let me say that if a customer already has credit with us, there is no deposit."

Councilmember Knotts asked, "What happens if the person just moves to Orangeburg, is just building a home and does not have a history with DPU?"

DPU Director Boatwright answered, "What we try to do is find a similar sized home to base it on."

Councilmember Knotts stated, "What if the two month deposit, applies to new construction. I moved from Indiana to Orangeburg and I just built a house, you do not know anything about me and I do not know you. You are telling me that you will use a house of comparable size, square footage or whatever, to determine what my deposit is going to be?"

DPU Director Boatwright answered, "Yes, but the alternatives are available to you. If you let us do a credit check and it comes back good, or a letter of credit from a previous utilities supplier from Indiana, there is no deposit, and all the other things also apply."

Councilmember Miller states, "My concern is that Orangeburg is coming to be a college community as we know, and a lot of times college students want to stay in Orangeburg. How do we accommodate the college students, if their parents say, well you are out on your own. They cannot establish credit with me, now we ask them to run a credit check, or no credit history at all. I see this as a dilemma, I see that we are running people out of Orangeburg, that want to stay here, that cannot afford to put a deposit down for utilities."

DPU Director Boatwright answered, " Councilmember Miller, I understand your concerns but wherever they go, they are going to have to put a deposit down for utilities."

Councilmember Miller stated, " Hopefully, it will not be based on the last two highest months of the previous owners."

DPU Director Boatwright stated, "I would like to remind you these are Public Service Commissions Guidelines, that does not mean all utilities do it."

Councilmember Miller states, " Hopefully, the City of Orangeburg will have a change of heart and would accommodate the citizens of Orangeburg and come up with a reasonable figure to have one deposit."

Councilmember Barnwell asked, " Would there be any way to come up with a way for a deposit that would equate across the board to anybody. It would be impossible, would it not?"

DPU Director Boatwright stated, "It would be very difficult, if you did that you would be rewarding some people and hurting some others."

Councilmemberr Miller stated, "I think that there are ways that can be worked out, and I am no mathematician, nothing of that sort, but common sense tells you, if you have a single home and you got a business, there is going to be a different pay structure and I think there could be some guidelines that can be reasonably worked out that would accommodate the citizens of Orangeburg."

Mayor Miller stated, "I would like to make one comment, if we lost \$231,000 last year because of people that did not pay their bills, then we are not getting enough for deposits. If I understood what you said, we should be getting more?"

DPU Director Boatwright answered, " We are not meeting our goal of .2%, but Mayor Miller we also have got to remember that we have gone through some times of really high bills. We all remember when natural gas was so high. My job is to try to manage your money as efficiently as possible, but my job is also to try to do the very best I can for the citizens that we serve. Councilmember Miller is quite right, there are some people that find this very difficult to do and college students are certainly within that group. I am sorry that I do not know the answer, what we might want to try, is allowing the deposit to spread out over a longer period of time. We now require that it be paid in two payments, if it has to be paid. They have to pay 50 % in advance and the balance is billed on the first bill. We could stretch that out some to try to help accommodate people who find it very difficult to come up with a \$ 400.00 deposit."

Mayor Miller stated, " Can I ask we take this under advisement and come back to this at a later date?"

Councilmember Miller stated, " I disagree with that, we have a social class here that is being divided and the way it is being divided, it is always going to be divided between the rich and the poor. The poor people are always getting the blunt of social disorder. We cannot financially maintain our household responsibilities if we are getting a burden on us of a preexisting payment of \$ 400.00 that we have to have to put lights in our apartments or our homes. It is divided and we have to somehow come to an agreement to work this out. I do not think we need to put the taxpayers on the back burner."

Mayor Miller stated, " I can tell you right now, a \$231,000 loss is enough to make us want to consider that we are not getting enough deposit. I think we need to sit back and look through this thing and let DPU Director Boatwright see if there is a way to possibly stretch the deposit situation out. I do not know enough of what the tenure of someone is that is moving in and out of places, but obviously losing utility profits, that is right off the bottom line, when you lose that much profit."

Councilmemberr Miller stated, " I totally agree with you, but I do not believe that poor people need to take the blunt of this, because that is who is getting the big chunk of this or someone else's obligations."

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Mayor stated, "You know, going back to the premise of college students, their parents for the most part send their kids to college, their parents could be guarantors, if they have good credit and that would solve the college students situation."

Councilmember Barnwell asked, "What other, or what methodology do other towns use that may be a college town?"

DPU Director Boatwright, "All utilities require deposits, non publicly owned have a lot more flexibility than we do. When we establish a rule and that rule has to apply to everyone. I certainly understand Councilmember Miller's concerns, but it does not only apply to poor people. I had a very prominent citizen call me, who happens to be a banker, he was very upset because he had a \$ 600.00 deposit to pay. I am sorry that the rules are the rules; they have to apply across the board. I can certainly find out more specific information for you if you would like me to."

Councilmember Barnwell stated, "I think we need a little further information before jumping into this too quickly."

DPU Director Boatwright, "This is the general state of the standard across the nation."

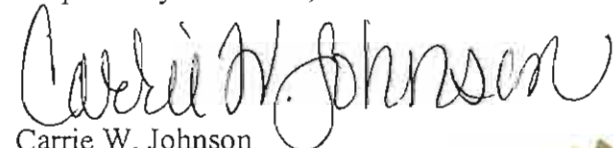
Councilmember Miller stated, "I am not saying that it doesn't need investigation, I am asking this body to ask DPU Director Boatwright, and his staff, to evaluate the situation and come back with some reasonable figures that would accommodate the City, as well as the citizens of Orangeburg. I would hope that we could expedite this pretty quickly as this does not need to be something on the back burner. Every day that we wait, someone has to continue to pay this astronomical fee and especially when the bills are so high now. It is unbearable and I put this in the form of a motion."

Councilmember Miller made a motion that DPU Director Boatwright, and his staff, evaluate a reasonable solution, something comprehensive, that will not be such a burden on the taxpayers as well as where we could recoup some of our finances and bring it back to this body for consideration. Seconded by Mayor Pro Tem Haire, it was a 3-4 vote and the motion was defeated, with Mayor Pro Tem Haire, Councilmembers Knotts and Miller voting for and Mayor Miller, Councilmembers Rheney, Barnwell and Jernigan against.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a contractual matter concerning a proposed Agreement for the use of Stevenson Auditorium.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk



CITY COUNCIL MINUTES

May 18, 2004

Orangeburg City Council held a Public Hearing on Tuesday, May 18, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was to hear from the public on the proposed Ordinance Providing Remedies for Defective Operation of Vending Machines.

Public Hearing opened

Dwight Frierson from Orangeburg Coco-Cola addressed Council.

Mr. Frierson stated, "I am extremely grateful for the opportunity just to get a couple of minutes regarding the proposed Ordinance Providing Remedies for Defective Operation of Vending Machines, and I thank you for the time. I think that this is an excellent example of how government should work as this process gives the public a chance to give input into governmental decision-making. I believe each of you have received a copy of a letter detailing the many reasons, logistical and otherwise, why I think that this Ordinance would be bad public policy and a severe hardship on the businesses that are affected. Therefore, I will not take time to rehash each of those reasons, I would like just each one of you to consider voting against the proposed Ordinance, solely because this Council should not be in the business in legislating to private business on how they are to run their individual businesses. If a consumer is not satisfied with any part of a company's action, I would submit that he/she would stop doing business with that company which would have a devastating and lasting effect on that company. What we are talking about in the proposed Ordinance is more than \$.50 or \$1.00 refund, we are suggesting that government should control how private businesses are to operate. Government bodies have the responsibility for the taxation for essential services, environmental protection and public safety, not running individual private businesses. The consumer has the opportunity to regulate businesses and they do so every day with their pocketbooks and I would suggest that incentive alone, is more than enough to keep our industry making every effort to satisfy our vending customers. In addition, we do not operate in a vacuum; we have a tremendous number of competitors out there in the marketplace and they will gladly take advantage of any company who does not take care of their customers. Thank you again for this opportunity to address this esteemed body and I would urge you vote against this Ordinance, and to continue all of your good efforts that help make Orangeburg a great place to live and to do business. Thank you."

Marion Moore representing Orangeburg County Economic Partnership Group addressed Council.

Mr. Moore stated, "Mr. Mayor and Council, I stand before you as a representative of Orangeburg County Economic Partnership Group and I am here to reiterate my concerns to you that I gave you in a letter dated May 4, 2004, regarding the proposed Vending Machine Ordinance. The Partnership feels strongly that the Ordinance is bad public policy and a serious intrusion into private business. The Times & Democrat, I think, said it best when they said it was simply bad policy when government regulates private enterprise with regulations that are not necessary. The Partnership wholeheartedly agrees. I believe that this is a case where Council's heart was in the right place, but the overall effect of such a policy was not carefully considered. I applaud the members of the Council for taking the time to listen to their citizenry while stepping back and reconsidering all the ramifications regarding enforcement, precedent setting and intrusion into private commerce. I have the highest hopes that upon review of all the consequences, this body would show its deliberate wisdom and withdraw this Ordinance from further consideration. Thank You,"

Frank Waters Jr., from Orangeburg Piggly Wiggly on Russell Street addressed Council.

Mr. Waters stated, "Mr. Mayor and City Council Members, thank you for giving us this opportunity to express our concerns. These two gentlemen pretty much have stolen the thunder of what I had to say, as well, with one exception. There is always a cause and effect on different actions, and one thing that is not being considered here is there seems to be almost a perception, an intent to deprive customers, which would be totally ludicrous. One of the reasons why we have so much problems with our vending machines is because of vandalism. I had expressed that in a letter that you probably have a copy of as well. If that is addressed, I think, the occurrences within the City of Orangeburg may go down as well. Again, I strongly feel that this is an intrusion on how the normal

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and typical businessman that would be looking out for his customers that do business, that if something is wrong and it is brought to his attention, he is going to take care of that. You do not have to legislate that. I hope you consider that as you are voting on this. Thank you.”

David Coleman from the Orangeburg County Chamber of Commerce addressed Council.

Mr. Coleman stated, “Mr. Mayor and Members of the City Council, I want to thank you very much for the opportunity to be here. As the previous speaker said this is how democracy works and I applaud you for having a multi readings on your Ordinances. I represent the Chamber of Commerce who has voted unanimously not to support this Ordinance as it is currently written; we have particular problems with conditions of license number too, and we feel like there are problems with verification and problems with the escrow and it is one of those situations where it is more effort than it is worth. This morning when I was preparing to come to work I heard Channel 10 say that there was going to be a Hearing and it said that City Council was preparing an Ordinance to make sure that customer receive refunds from vending machines and that area businessmen were against that. I take issue with that. Certainly, we are for every customer receiving their fair value for money that they pay. Certainly, because it is what is right, what is fair and is good customer service. We are here because we do think this Ordinance is not the answer. It has been said that good motives don’t always produce good legislation, and we think that might be the case here and we urge City Council to make significant improvements or changes in this Ordinance if they do choose to approve it. I would also suggest that several location owner/operators be involved in the discussion with further regard to this Ordinance. Thank you very much for the opportunity to address you.”

Mac Bradshaw, small business owner, addressed Council.

Mr. Bradshaw stated, “Ladies and Gentlemen, I am a small business person and that is why I came tonight, to represent me as a small business person and as an individual. I do not know if you received a copy of a letter that I wrote to the Mayor, did everyone receive a copy? If you did that explains exactly how I feel. Five years ago I appeared in front of this same body because I did not feel that I was being treated fair. The only thing that I wanted is to be treated fair, I do not want any additional grants, I do not want any additional monies, I do not want anything additional, and I want to be treated fair. This Ordinance you are proposing, if I make a decision not to reimburse that person for those monies that he has put in that vending machine, I have broken the law. The width of the right-of-way for the road, which is sixty-six feet, does not apply to my competition. If he makes the same decision, he has not broken the law, because he is in the County and I am in the City, I do not think that is fair. I just want to be treated fair. Thank you.”

Jacquelyn Turner, consumer and taxpayer addressed Council.

Ms. Turner stated, “I am just a lone voice in the wilderness, I am speaking for the customer, the consumer. I am a taxpayer. I do not buy sodas out of the machines, but I buy newspapers. I only buy one paper and some Sundays I have spent \$4 or \$5 for one paper that does not cost but \$ 1.50. I could not get a refund; I could not get my money back or anything else. I finally went home after spending that money and I want something more from a merchant or business owner than, it is not my problem. I do not get anything from him; I do not make a profit from him, I am doing you a favor, he says, but if you have lost \$4.00, nobody is doing me a favor. I have lost my money and I am not getting it back. I think, I do not know if it is an attitude change or what it requires, but someone ought to think about these people who are losing their money in these machines and not getting anything from them. That is all I have to say. Thank you.”

Boyd McCleod, Calhoun Oil Company addressed Council.

Mr. McCloud stated, “I am with Calhoun Oil Company and we are in the convenience store business in Orangeburg. We have quite a few things that would be effected by this Ordinance, from possibly a car wash to the newspaper racks and our air and vacuum machines. When I look at an issue, whether it be any issue, I try to address it from all sides, whether it is from a governmental side, a customer side or a retailer, as I am. Because there are things everyday that I get frustrated with as a customer, so I try to look at that and I hope that Council will do that. I realize there are all sides to this and that we always try to take the attitude that the customer is always right. I think that sometimes when I go home and I have had a bad attitude about something or have been frustrated with a customer experience, that I can sit back and say, I was wrong or that I reacted bad. But, I hope you will look at this from all sides and be able to do what is best for the City and the customers and the retailers, wholesalers and all the citizens. I thank the Council for the Hearing and everything they do to make our City and County a good place to live.”

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Mayor Miller asked if anyone else would like to speak at the Public Hearing. Hearing no response, the Public Hearing was closed.

Council entered into the regularly scheduled City Council Meeting. An invocation was given by Reverend Nate McMillian of Petra Community Church.

PRESENT:

Paul A. Miller, Mayor

Bernard Haire

Charles B. Barnwell

Charles W. Jernigan

Sandra P. Knotts

Trelvis A. Miller

Joyce W. Rheney

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the May 4, 2004, City Council Minutes as distributed. This motion was unanimously approved.

Mrs. Ginger Jernigan, Director of the Samaritan House made an appearance to request funding for the Samaritan House. Councilmember Jernigan excused himself from any discussion, deliberation or voting on this item.

Mrs. Ginger Jernigan addressed Council in regards to the Samaritan House, a non-profit homeless shelter on Middleton Street on what has been going on this past year and to seek grant match funding from City Council.

Ms. Jernigan stated, "The Samaritan House is in the process of purchasing the building and renovating the building and I am requesting matching funds from the City like the City has done on other items like the Spray Park, Disc Golf Course, and parking lots."

Mayor Miller stated, "The record needs to be set straight, the Spray Park, parking lots, disc golf course is owned by the City, those are not private entities. There was a reference in the paper to DORA, they did not get any grant money from the City of Orangeburg".

Mrs. Jernigan stated, "The Samaritan House could belong to the City of Orangeburg."

Board Members from the Samaritan House addressed Council, Annie Jamison, Johnny Richardson who is also the manager, and Tom Harrison.

Mayor Miller asked, "What exactly is the request?"

Ms. Jernigan stated, "A packet was sent to City Council for review and in order to receive the \$216,000.00 Federal Housing and Urban Development Grant, which has been awarded, the shelter would have to come up with \$55,102.00. There was confusion over the grant figures including whether the money was for a two-year period. Ms. Jernigan apologized for not having the complete figures but said she could provide them later.

Mayor Miller asked, "Has the County agreed to fund you?"

Ms. Jernigan stated, "The County funded me last year, I am sure they would fund me this year but I have not been before them yet."

Councilmember Barnwell asked, "What is the amount of the grant and the monies per year."

Mrs. Jernigan stated, "The total amount of the grant is \$216,000.00 over a two year period for the grant."

Mrs. Jernigan stated, "The grant is funding a social service worker, a van and a van driver, computers and renovations in the kitchen."

Councilmember Miller asked, "If the grant was for the building?"

Mrs. Jernigan stated, "No, that is separate."

Mayor Pro Tem Haire asked Mrs. Jernigan, "How does this request differ from your request for funding last year?"

She stated, "Last year I was asking for operational money, this year I am asking for matching grant money."

Mayor Pro Tem Haire and Councilmember Miller also asked questions about letters within the packet not being signed or dated with different type.

Mrs. Jernigan stated, "I have not touched the letters and what I was trying to do was supply you with the information on where the money is coming from. I am sorry if I came up short and I would be happy to come back to you with what you need."

Mayor Miller asked, "We will take this under advisement and if we have any other questions, we will put them in writing to you and we will also need a copy of your latest financial audit."

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance extending the Franchise Agreement between the City of Orangeburg and Time Warner Entertainment-Advance/Newhouse, a New York General Partnership D/B/A Time Warner Cable, dated May 4, 1995, and expiring on May 31, 2004. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire for the Second Reading of an Ordinance providing Remedies for Defective Operation of Vending Machines. There was no second to the motion, so the Ordinance did not pass, due to the lack of a second.

Councilmember Barnwell addressed Council, "As far as the citizens, merchants, and owners of the vending machines, I voted for this at the first meeting and at the last meeting, I stated that we may have acted a little hasty when the Ordinance was prepared and we didn't realize any potential ramifications. I think as a voice of City Council we owe the customers a duty, but at the same time there is an easier way rather than government intrusion, as an example by attaching an addendum to a business license requesting who owns the machine to put on the machine a toll free number; therefore, the problem is between them and the consumer or the merchant."

Mayor Pro Tem Haire addressed Council, "We have heard from businesses tonight that government does not need to get involved in such a venture. When merchants across the state face problems as it relates to bad checks, government went in and regulated it and told what was to happen if an individual wrote a bad check. My belief is that with a malfunctioning vending machine, it is a bad case with a bad check. The consumer needs to be protected. I have heard from one operator of how he does his refunds. If a customer comes in to him and requests a refund, he goes outside and puts money in the machine and if the vending machine dispenses the product, the customer does not get any refund. If the money is put in and the machine malfunctions, then he will give the customer the item plus the refund. This is a case of Russian Roulette wherein you are taking a chance. It just seems to me that no one just seems to be concerned about the consumer. I have heard talk from the manufacturers that the refunds need to be accounted for as to who refunds are made to and based on that he can make refunds and see if there are any patterns. The Ordinance we have addresses that fact as it relates to a person falsifying an affidavit. It is my sincere hope that individuals will follow up. It is no difference because there are numbers and addresses on the machines. What created the problem is that no response was received. We have no way of making someone accountable. Some say that the escrow account was too burdensome. I was prepared to make a concession as it relates to that, I can see where it causes the problem. What happens now that we have not passed this Ordinance, when we had the opportunity to give the consumers some relief? We have failed and I

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am really disappointed in this Council and I would hope the consumer could take appropriate action and not vandalize. There is a desire among the merchants to have a golden calf that works twenty-four hours a day and that is why the machines are there because the business is bringing in money when it is closed. You are not serving the citizens and I am very disappointed in the actions taken tonight.”

Councilmember Barnwell stated, “I agree with you but I could not support the Ordinance as it stood from first reading, I think possibly some remedy could be addressed as far as the business license is concerned. I think if the owners put the phone number on the machines.”

Mayor Pro Tem Haire asked Councilmember Barnwell, “What was the main objection to this Ordinance, or was it because of the escrow account?”

Councilmember Barnwell stated, “That it was primarily due to the escrow account.”

A motion was made by Mayor Pro Tem Haire , seconded by Councilmember Miller , to approve the Second Reading of an Ordinance repealing Ordinance No. 2003-13. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance approving Settlement Agreement between the City of Orangeburg and BellSouth Telecommunications, Inc. This motion was unanimously approved.

Council agreed to an exception to the City Ordinance as it relates to shooting fireworks on Sunday, as the Department of Public Utilities will hold its annual fireworks display on Sunday, July 4th.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to adjourn.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk



CITY COUNCIL MINUTES

JUNE 1, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, June 1, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Barnwell.

PRESENT:

Paul A. Miller, Mayor
 Charles B. Barnwell
 Bernard Haire
 Charles W. Jernigan
 Trelvis A. Miller
 Joyce W. Rheney

ABSENT:

Sandra P. Knotts

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to approve the May 18, 2004, City Council Minutes as distributed. This motion was unanimously approved.

Ms. Mary Hudson with Orangeburg National Bank presented the Character Trait Certificate for the month of May 2004, "Perseverance" to Public Works Director Durwood Bowden, Parks and Recreation Director, Buster Smith and Wattie Fogle from the Service Department. These Departments were recognized for their perseverance in cleaning the City after the Ice Storm.

Mayor Miller recognized DPS Corporal Aqkwele Robinson as the Crime Prevention Officer of the Year. This recognition was given by the South Carolina Association of Crime Prevention Officers.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to approve the Third Reading of an Ordinance Repealing Ordinance No. 2003-13. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance approving Settlement Agreement between the City of Orangeburg and BellSouth Telecommunications, Inc. This motion was unanimously approved.

City Administrator Yow presented the response from the South Carolina Department of Transportation concerning the City's request on traffic problems on Goff Avenue at three different locations.

SCDOT determined that a signal was not warranted at Goff Avenue and U.S. Highway 601, improvements were made to the curve and pedestrian crosswalk with continued monitoring.

Councilmember Miller asked for the City Administrator to readdress the issue with SCDOT of speed at the curve on Goff Avenue to consider safety mechanisms at the curve, such as speed bumps or flashing lights.

Mayor Miller presented to Ms. Mary Hudson of Orangeburg National Bank and Ms. Bernice Tribble, DORA Manager, the Proclamation for the Character Trait for the month of June 2004, "Responsibility".

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to nominate John H. Yow, City Administrator and Howette Davis, a City resident employed at SCSU, to the Orangeburg County Capital Projects Sales Tax Commission #2. This motion was unanimously approved.

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A motion was made by Councilmember Miller, seconded by Councilmember Barnwell, for acceptance of Public Safety's second Drug Control and Systems Improvement Program Grant in the amount of \$58,487 with a 25% match totaling \$19,496. This grant is a continuation for one year and the personnel is currently housed at the Lexington County Sheriff's Office due to a mutual aid agreement. This motion was unanimously approved.

Department of Public Utilities Manager, Fred Boatwright, recommended City Council to pass a Resolution to accept the low responsible bid by G. H. Smith Construction, Inc., of Lexington, SC, in the amount of \$848,020 for the construction of a 30" sewer line along Woodbine Drive. Manager Boatwright explained that the bid was slightly over budget estimations of about 10.8% due to increased costs but was a reasonable price. He stated, "This would cover a large geographical area along Woodbine Drive from Rowesville Road to almost U.S. Highway 301 and the line would tie into the County's Capital Project Sales Tax Whitaker Park Sewer Project."

Councilmember Barnwell asked, "What about the additional linear feet, if DPU was picking up another subdivision?"

Department of Public Utilities Manager Boatwright explained that with this addition of 1500 linear feet, we will be serving an additional subdivision at the end of Woodbine.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, approving a Resolution for the City and the Department of Public Utilities to accept the low responsible bid by G. H. Smith Construction, Inc., of Lexington, SC, in the amount of \$848,020 for the construction of a 30" sewer line along Woodbine Drive. This motion was unanimously approved.

Department of Public Utilities Manager, Fred Boatwright, recommended City Council to pass a Resolution to accept the low responsible bid by Thamer Construction, Inc., of Atlanta, Georgia, in the amount of \$14,924,000 for the John F. Pearson Water Treatment Plant Expansion. Department of Public Utilities Manager explained that this expansion would be the largest construction in DPU history. The 10 million gallon per day addition would increase capacity from 19 million gallons per day to about 30 million gallons.

Councilmember Barnwell asked, "How long would this be viable?"

DPU Manager Boatwright stated, "That would be about ten years and it would depend on how quickly we grow, historically we add on every ten years."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution for the City and the Department of Public Utilities to accept the low responsible bid by Thamer Construction, Inc., of Atlanta, Georgia in the amount of \$14,924,000 for the John F. Pearson Water Treatment Plant Expansion. This motion was unanimously approved.

Concerning the First Reading of an Ordinance to adopt all new rates pertaining to water for the Department of Public Utilities of the City of Orangeburg, DPU Manager Boatwright stated, "As recommended last year during budget sessions, this 5.5% increase would mean an increase of \$.48 inside the City and \$.86 outside the City per month based on the normal residential use of 6,000 gallons a day. For commercial customers, the tier break is increasing from 30,000 to 50,000 cubic feet per month. The increase in water rates is due to the increased cost of producing water, including labor and chemicals and government regulations add dollars every day, every time you turn around."

Councilmember Barnwell asked, "When will this go into effect?"

DPU Manager Boatwright stated, "July 7th after two additional readings."

Councilmember Barnwell asked, "Are you going to notify the citizens?"

DPU Manager Boatwright stated, "Yes, we are with a Public Hearing and with billing stuffers explaining the new rates."

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A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the First Reading of an Ordinance to adopt all new rates pertaining to water for the Department of Public Utilities of the City of Orangeburg. This was a 5-0-1 vote. Councilmember Knotts was not present and Mayor Pro Tem Haire abstained.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to adjourn. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk

CWJ/pfb



CITY COUNCIL MINUTES

JUNE 15, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, July 15, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Miller.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Miller, seconded by Councilmember Barnwell, to approve the June 1, 2003, City Council Minutes as distributed. This was a 6-0-1 vote as Councilmember Knotts abstained as she was not present at the last meeting.

City Administrator Yow notified Council of the terms expiring on the City Grievance Committee. He explained to Council that nominations would be forthcoming at the next meeting and that there are no pending grievances.

City Administrator Yow presented to Council the proposed Capital 1% Sales Tax list that would needed approval. The County of Orangeburg has allotted each municipality a percentage based on population of the proposed monies generated by the one-cent sales tax. City Administrator Yow further explained that the City has sent a preliminary list to the County last Friday, June 11th.

Councilmember Barnwell asked, "Do we have to vote on this tonight? I do not feel I have had adequate time to look over the information and to give it adequate consideration. Is there a time frame that would require us to vote on this tonight?"

City Administrator Yow explained that the County indicated they needed the list by June 11th and that he did not know the absolute deadline.

Councilmember Barnwell stated, "I have concerns about input into certain things and I do not feel comfortable with voting on it tonight. What is the situation on the federal or state mandate that affects the storm water drainage?"

City Administrator Yow explained that there is a Federal mandate but the State of South Carolina is not completely enforcing that yet.

Councilmember Barnwell asked, "When is that going to be enforced?"

City Administrator Yow stated, "The state is not completely enforcing that yet."

Councilmember Barnwell stated, "Once this money is allocated, I know that the monies have to go to the specific projects outlined in the letter. For example, the City Gym Sports Facility is \$2,000,000. I know the County has allocated \$300,000 towards that. I think this ought to be a joint project and I have problems with that. I would like to see that money shifted possibly to purchasing properties and buy additional properties for parking at the Municipal Complex. I think that the \$700,000 allocated is not enough to buy properties and do the paving. I have major concerns with this as it stands right now. Unless it is a requirement to vote tonight, I would move that we table this to a later time to give it further consideration."

Mayor Miller stated, "The letter we received stated that the County has a deadline and after we had a discussion about these projects, we agreed that these were the projects that we wanted to move forward with and we had to send a letter this past Friday to outline the projects. We have eight projects, totaling \$8,000,000 and they have to put it on their agenda for a final vote at their next meeting, so I don't think we have time to wait to discuss it further."

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Councilmember Barnwell stated that, "We spent only two hours looking at this and we're talking about \$8.3 million dollars. I don't know enough about these projects, and some of these projects, could involve taxpayer's money."

Councilmember Jernigan asked, "When this list is ratified, is it carved in stone? Can we add a project or take away a project?"

City Administrator Yow explained that he believes that the list could be possibly changed until the time the Special Tax Commission prepares the list of projects to be specified on the referendum.

Mayor Pro Tem Haire stated, "We all sat in a meeting and had input from everyone as it relates to projects. I left that meeting thinking we had some sort of agreement that these would be the projects. I am prepared tonight to vote".

Councilmember Miller stated "I agree with Mayor Pro Tem Haire and I was under the impression that we were in agreement with the projects. I see some more money added. All of these projects are taxpayer's money, but I think it benefits the taxpayers."

Mayor Miller explained, "The Capital Sales Tax is paid by all people in the City and in the County of Orangeburg and last time yielded some \$55 million for us and other municipalities for different projects. All we are doing is saying that these are the projects that we would like to move forward with if this passes on the referendum in November. If this does not pass in November, I doubt that we have any money to spend. We will have to go back. This last one has allowed us to do many things that we could not have done."

Councilmember Barnwell asked, "Do we know anymore from County Councilmember Livingston, as to whether he would contribute some of his share to the City projects?"

City Administrator Yow and Mayor Miller stated that the list was given to him, but they have not heard from him yet.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to table the vote on the Capital 1% Sales Tax Project list. The motion failed 2-5 with Councilmembers Barnwell and Jernigan voting in favor of the motion.

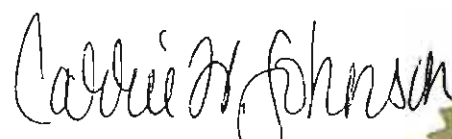
A motion was made by Councilmember Miller, seconded by Councilmember Rheney, to approve the Capital 1% Sales Tax Project list. The vote was 5-2, with Councilmembers Jernigan and Barnwell opposing the motion.

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the Second Reading of an Ordinance to adopt all new rates pertaining to water for the Department of Public Utilities of the City of Orangeburg. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Barnwell, to adjourn. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk



CITY COUNCIL MINUTES JULY 8, 2004

Orangeburg City Council held a Public Hearing on July 8, 2004, at 6:00 P.M., in Council Chambers for the purpose of adopting new rates pertaining to water from the Department of Public Utilities.

Hearing no public comments, the Public Hearing was closed.

Council then entered into the regularly scheduled City Council Meeting with Mayor Miller presiding. An invocation was given by Mayor Miller.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

ABSENT:

Bernard Haire

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to approve the June 15, 2004, City Council Minutes as distributed. This was a 4-0 vote as Councilmembers Barnwell and Knotts were not present at the time of voting.

City Administrator Yow presented Council with a list of nominations for the City Grievance Committee. A Motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to accept the following nominations to the City Grievance Committee.

Jacque Fogle	Parks and Recreation
LeAndrae Felder	Service Department
Terrell Brown	Dept. of Public Safety (alternate)

This was a 5-0 vote as Councilmember Barnwell was not present at the time of voting.

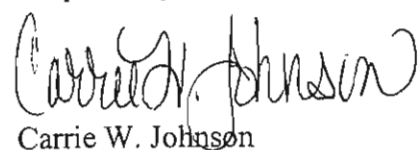
Department of Public Safety Director, Wendell Davis, accepted the Proclamation for the Community of Character Trait "Gratitude" for the month of July.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance to adopt all new rates pertaining to water for the Department of Public Utilities of the City of Orangeburg. This motion was unanimously approved 6-0.

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to adjourn the meeting. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk



CITY COUNCIL MINUTES

Budget Workshop

July 8, 2004

Orangeburg City Council held a Budget Workshop on Thursday, July 8, 2004, immediately following the City Council meeting.

PRESENT:

Paul A. Miller, Mayor

Charles B. Barnwell

Charles W. Jernigan

Sandra P. Knotts

Trelvis A. Miller

Joyce W. Rheney

John H. Yow, City Administrator

Warren T. Harley, Assistant City Administrator

Carrie W. Johnson, Assistant Finance Director

ABSENT:

Bernard Haire

The purpose of this meeting was to conduct a Budget Workshop for the Fiscal Year 2004-2005.

City Administrator Yow opened the discussion with an overview of finalized Fiscal Year 2003-2004 amended budget figures. He stated, "The City was going to bring revenues in over expenditures in the General Fund approximately \$3,695,858, which includes monies for litigation and reimbursement from the Ice Storm in January, 2004. Once these were taken out, the total revenues over expenditures would have been approximately \$219,504. This was an estimate and these were unaudited figures. Airport revenues are over expenses in the amount of \$306,369; however, this does take into account \$845,378, which was a transfer from the County Capital 1% Fund for resurfacing runway. Pro Shop Fund transferred \$69,618 as profit to Hillcrest Golf Course. Revenues are over expenses in Hillcrest Golf Course in the amount of \$98,574; however, this takes into account \$130,268 as a transfer from the County Capital 1% Fund for cart shed."

Discussion was held first on General Fund Revenues and City Administrator Yow briefed Council on the major revenues.

Revenue Highlights

Slight increase in property tax collection (real property). No millage increase.

Approximately \$22,000 - \$25,000 decrease in vehicle tax collection.

General Business License continues slight growth annually.

Telecommunications Business License up; still an unknown number due to recent state legislation.

Franchise Fees down \$200,000+ from previous year; \$525,000 overall due to state legislation.

Fire Contracts same; no rate increase proposed.

DPU transfer budgeted same as previous year.

Rental income up small amount.

Fund Balance/Cash Reserve Budgeted at \$720,000+.

State Shared Taxes approximately same; may realize 2% gain.

Hospitality/Accommodations Tax very consistent-\$800,000+.

Other User Fees seen in slight decline - i.e., recreational.

Other financing sources at \$527,000 (normally \$500 - \$700K).

Increase (\$2) per 18 hole round for cart rentals.

\$45,000 in private donations.

10% Increase in Hangar Rentals

PAGE 2

Discussion was then held on Expenditures.

Expenditure Highlights

1 new position in Public Works.

4 new Fire Engineer positions this year; seven overall to provide services outside the City.

\$60,000+ capital items requested--put in year end FY 2003-04.

8% increase in medical insurance; 4% increase dental--benefits remain at same level; add mail order prescriptions. City will continue to pay 100% on employees and share in dependent coverages.

2% COLA for all employees = \$120,000.

2%-7% Merit for approximately 40 employees = approximately \$40,000.

\$192,000 in capital items in Municipal Court/Public Safety moved to County Capital

\$94,000 in Parks and Recreation moved to City 2% Fund, i.e., Christmas lights, billboards, spray park surface, plant materials.

No fire trucks or garbage truck which helped keep capital outlay down (*Have 2 pumpers on order for FY 2003-04).

Do have 3 new trailers and one new truck budgeted for yard debris.

Does include new actual debt service \$145,000 for monies borrowed toward Public Safety/Municipal Court Complex.

No General Fund Transfer to Airport or Hillcrest.

65 new golf carts for Hillcrest plus other maintenance equipment.

Workers Comp premium increased \$103,000.

There was a discussion held on the increase in medical and dental insurance as to whether a lower paid employee would get less in his paycheck with the insurance increase with only a 2% Cost-of-Living. After further discussion, on where to get the money, it was decided that the Cost-of-Living be increased to 3% and the money be taken from cash reserve.

There was a discussion on outside funding requests. The Samaritan House, Orangeburg County Development Commission and Project Positeen had requested funding from the City of Orangeburg. No final conclusion was reached on these requests

Sincerely,



Carrie W. Johnson
Assistant City Clerk

CWJ/pfb





RESOLUTION

A RESOLUTION FOR THE CITY OF ORANGEBURG, DEPARTMENT OF PUBLIC UTILITIES TO ACCEPT THE LOW RESPONSIBLE BID BY THAMER CONSTRUCTION, INC. OF ATLANTA, GEORGIA IN THE AMOUNT OF \$14,924,000.00 FOR THE JOHN F. PEARSON WATER TREATMENT PLANT EXPANSION

WHEREAS, the Department of Public Utilities of the City of Orangeburg, South Carolina, received bids on May 18, 2004 for the John F. Pearson Water Treatment Plant Expansion; and

WHEREAS, the low responsible bid for this work was submitted by Thamer Construction, Inc. of Atlanta, Georgia in the amount of \$14,924,000.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Members of Council of the City of Orangeburg, in Council assembled, and by authority of the same, that the low responsible bid shown above be accepted; and

BE IT FURTHER RESOLVED, that Fred H. Boatwright, Manager of the Department of Public Utilities, be authorized and he is hereby directed to execute the contract documents on behalf of the Department of Public Utilities of the City of Orangeburg.

RESOLVED BY City Council duly assembled this 1st day of June, 2004.



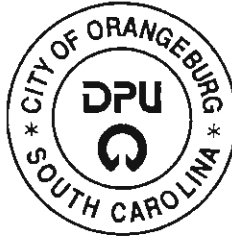
Paul G. Miller
MAYOR

Edward Haire
Charles B. Brantley
Julius A. Miller
Joseph W. Rouse
Chris D. Jones

MEMBERS OF COUNCIL

ATTEST:

Carrie H. Johnson
CITY CLERK



RESOLUTION

A RESOLUTION FOR THE CITY OF ORANGEBURG, DEPARTMENT OF PUBLIC UTILITIES TO ACCEPT THE LOW RESPONSIBLE BID BY G.H. SMITH CONSTRUCTION, INC. OF LEXINGTON, SOUTH CAROLINA IN THE AMOUNT OF \$848,020.00 FOR THE CONSTRUCTION OF A 30" SEWER LINE ALONG WOODBINE DRIVE

WHEREAS, the Department of Public Utilities of the City of Orangeburg, South Carolina, received bids on April 14, 2004 for the construction of a 30" Sewer Line along Woodbine Drive; and

WHEREAS, the low responsible bid for this work was submitted by G.H. Smith Construction, Inc. of Lexington, South Carolina in the amount of \$848,020.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Members of Council of the City of Orangeburg, in Council assembled, and by authority of the same, that the low responsible bid shown above be accepted; and

BE IT FURTHER RESOLVED, that Fred H. Boatwright, Manager of the Department of Public Utilities, be authorized and he is hereby directed to execute the contract documents on behalf of the Department of Public Utilities of the City of Orangeburg.

RESOLVED BY City Council duly assembled this 1st day of June, 2004.



Paul A. Miller
MAYOR

Edward Harris
Charles B. Bannell
Travis A. Miller
James W. Rhoney
Chris Dargatzis

MEMBERS OF COUNCIL

ATTEST:

Carrie M. Johnson
CITY CLERK



RESOLUTION

A RESOLUTION AUTHORIZING \$50,000 MATCHING LOCAL FUNDS FOR A \$500,000 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION SUBMITTED TO THE DEPARTMENT OF COMMERCE.

WHEREAS, the City of Orangeburg, South Carolina, desires to improve economic competitiveness in the downtown area of the City; and,

WHEREAS, the City of Orangeburg is applying for a \$500,000 Community Development Block Grant to improve facades in the downtown area; and,

WHEREAS, the City must provide matching funds for the Community Development Block Grant application.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Orangeburg, South Carolina, in Council duly assembled and by the authority thereof, that the City of Orangeburg is committing \$50,000 in cash for the required matching funds for a Community Development Block Grant application.

BE IT FURTHER RESOLVED that the City Administrator is authorized to sign and execute all other documents relating thereto.

BE IT FURTHER RESOLVED that funds for the matching \$50,000 shall be paid from the Grant Match Fund.

PASSED BY the City Council of the City of Orangeburg, South Carolina on this 20th day of July 2004.



Paul G. Minn
Mayor
Paul G. Minn
Joyell W. Phares
Delius A. Miller
Charles B. Samuels Jr.
Sandra E. Foster
Glenn Haire
Council Members

Attest: Carrie H. Johnson
City Clerk

CITY COUNCIL MINUTES JULY 20, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, July 20, 2004, at 7:00 P.M., in Council Chambers at City Hall with Mayor Miller presiding. An invocation was given by Reverend Cedric Gibb. Special tribute was given in honor and memory of the late Captain James "Jimmy" Myers.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Miller, seconded by Councilmember Barnwell, to approve the July 8, 2004, City Council Minutes as distributed. This was a 6-0-1 vote. Mayor Pro Tem Haire abstained as he was not present at the meeting.

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the July 8, 2004, Budget Workshop Minutes. This was a 6-0-1 vote. Mayor Pro Tem Haire abstained as he was not present at the meeting.

Assistant City Administrator Harley presented to Council an Ordinance defining slum and blight areas within the City. He stated that there was a Public Hearing and most favorable comments were received. Thirty to forty signatures from downtown citizens were received stating that they were willing to participate in the facade renovation program. This program is through the State CDBG Program and would be set up as part loan and past grant.

Councilmember Miller asked, "Are the properties contiguous?"

Assistant City Administrator Harley stated, "It is an eight block area and that the area was defined on and near Russell to Elmwood and Treadwell Streets.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the First Reading of an Ordinance defining Slum and Blighted Areas within the City. This motion was unanimously approved.

Council received, as information, a Resolution for slum and blight areas. This will be presented after the Third Reading of the Ordinance Defining Slum and Blighted Areas.

City Administrator Yow recommended that the Resolution presented for matching local funds for a CDBG Application be amended to \$50,000 for a \$500,000 Grant, due to favorable response. Assistant City Administrator Harley stated that DORA's Facade Grants will assist in this project.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve a Resolution for matching local funds for a CDBG Application authorizing \$50,000 for a \$500,000 Community Development Block Grant Application from the Department of Commerce. This motion was unanimously approved.

City Administrator Yow informed Council of the expiring terms of alternates on the Construction Board of Adjustments and Appeals.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to reappoint Marion Black and Jimmy Evans to the Construction Board of Adjustments and Appeals. This is a one year term expiring July 2005. This motion was unanimously approved.

There were no utility matters brought before Council.

CITY COUNCIL MINUTES

PAGE 2

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session for personnel matters concerning the Executive and Administrative Departments and the Department of Public Utilities. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson

City Clerk

/pfb



CITY COUNCIL MINUTES AUGUST 3, 2004

Orangeburg City Council held a Public Hearing on Tuesday, August 3, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was for discussion of "Rivers Point" Type B-Residential Planned Development District.

Invocation was given by Councilmember Miller

Mayor Miller opened the Public Hearing .

Assistant City Administrator Warren Harley addressed Council by providing a brief overview of the process to date.

Mr. Bert Shuler with the Shuler Group then addressed Council, "Your packet is a very complete overview of the project. Very briefly, it is a Type B Residential Planned Development District. The main feature of this project is to retain the nice brick home on the property and develop it into a duplex and the balance of this project will be eight upscaled craftsman bungalow cottage structures. I do have a color rendering instead of black & white, if anyone would like to look at it any closer. I would be happy to answer any questions you may have."

Councilmember Barnwell stated, "As I understand it, Mr. Shuler, There are no deed restrictions on this property?"

Mr. Shuler stated, "Yes."

Councilmember Barnwell asked, "Has anyone from the Corp of Engineers looked at the property in relation to the retention pond or ponds on the property? It appears to me that all the impervious surfaces will be draining into that retention pond. Is that a correct assumption?"

Mr. Shuler stated, "Currently the pond is not set up specifically for that, our plan is to engineer that pond as a retention pond."

Councilmember Barnwell asked, "With some of the hard rain that we have had, that pond would overflow into the river. Have you consulted with the Corp of Engineers?"

Mr. Shuler stated, "Normally, as part of the detailed engineering design of the storm water system, the engineer who has been retained to do that, Earthworks Group from Murrells Inlet, they would apply for any applicable Corp permits. The only time we would have to apply for a Corp permit is if there were flood plain considerations or impact of the navigable waters. Our contention is unless Mr. Goodwin decides to apply for a boat landing or dock permit, we don't see any impact with the Corp of Engineers. That would be a part of the due diligence of the consulting engineer."

Councilmember Barnwell stated, "I know that there is a damn or wood or concrete surface that blocks the river from the retention pond, is that correct?"

Mr. Shuler stated, "I believe that is the one that is on Mr. Goodwin's property, that is not on this project site. Any improvements to the spillway to the dam, for our purposes, would be part of the due diligence with the consulting engineer."

Councilmember Barnwell stated, "In reviewing this plan that you gave us, as far as total amount of property is there 2.42 acres?"

Mr Shuler stated, "It is 2.32 acres?"

Councilmember Barnwell asked, "Of that amount 0.42 acres is for the impervious surfaces, as proposed, correct?"

Mr. Shuler stated, "That is the architect's calculation, yes."

CITY COUNCIL MINUTUS
PAGE 2

Councilmember Barnwell asked, "That only leaves roughly two acres for the structures, including the current house? The density is small. I couldn't determine where the property line for the American Legion Hut."

Mr. Shuler stated, "In terms of distances, I can't really address that, it is not shown on the drawing. All I can tell you is that when the land planner and I laid these out, the property line between Mr. Goodwin's property and the Legion Hut was clearly identified on a valid survey and we used the setback requirements, as a part of this plan, to make sure the real property lines to the back of the building line was within guidelines."

Councilmember Barnwell asked, "There is a fence running down the property facing the property on the right side, could that be possibly on the American Legion line?"

Mr. Shuler stated, "Yes, it's pretty close."

Councilmember Barnwell stated, "One thing that concerns me in the density. What are the setbacks and space in between each house?:

Mr. Shuler stated, "I believe we are in the 10-15 foot range minimum in between homes but all of the plats have not been fully determined yet."

Councilmember Barnwell stated, "I saw this is in the covenants of 7.5 feet for surface water runoff between each lot. Is that eave to eave or house to house?"

Mr. Shuler stated, "I'm not 100% positive but I think that the 7.5 feet is eave to eave because the minimum foundation is 10 feet and that is mandated by fire code."

Councilmember Barnwell stated, "I have read and do have some problems with some of the wording in the covenants. As I have read, Mr. Goodwin is going to be the owner and you, Mr. Shuler, are going to be the developer. Is that correct?"

Mr. Shuler stated, "Yes, that is correct?"

Councilmember Barnwell asked "In Article III, a-g, and Article V, Section II, 9 and 10, it says that the developer nor the owner will be responsible for doing any internal maintenance on the property once the development is complete, such as streets, fences, etc. Is that correct?"

Mr. Shuler stated, "Yes that is correct. It assigns that responsibility to the Property Owners Association."

Councilmember Barnwell asked, "As I understand this, the property houses will be "For Sale" houses and/or "Rental"?"

Mr. Shuler stated, "The mix has not been fully decided by Mr. Goodwin."

Councilmember Barnwell asked, "If you rent, how are you going to enforce that person if he decides that he isn't going to pay Association Dues? Who is going to be responsible to make sure repairs are made, such as when a fence falls down?"

Mr. Shuler stated, "If the property is held for rental, it would be the responsibility of Mr. Goodwin as he would hold the ownership of that lot."

Councilmember Barnwell stated, "That's not what the agreement says?"

Councilmember Rheney stated, "I believe it did, in Article III, Section III, you have voting rights."

CITY COUNCIL MINUTES
PAGE 3

Mayor Miller stated, "I think it may be in Article III, Section I. If I own a house and rent it, I am still held responsible, just like any other piece of rental property, the owner maintains it."

Councilmember Barnwell stated, "On Page 10, Neither developer nor any member of the Review Board shall be responsible or liable in any way for any defects in any plan or specifications approved by the Review Board. Who is the review board, the property owners?"

Mr. Shuler stated, "No, the review board is the Architectural Review Board, I think."

Councilmember Barnwell stated, "Once the project is complete, who is going to be responsible for it? The POA?"

Mr. Shuler stated, "I believe it is the POA."

Councilmember Barnwell asked, "I have a problem, if they don't pay the fees that are required, who is responsible?"

Mr. Shuler stated, "Mr. Goodwin will be responsible and liable for that fee. If he owns the property, he will be responsible for that lot."

City Attorney Walsh stated "I don't think you have all of the documents, there is an Exhibit B of By-Laws of the Homeowner's Association, at least I don't have it. I think I have read that the property owners have to maintain the road and the City can come in and maintain it and assess each property owner a fee to be collected."

Councilmember Barnwell asked, "Isn't that the same as taxes, what are you going to do if it's not paid?"

City Attorney Walsh stated, "The property will be sold."

City Administrator Yow stated, "We would put a lien against the property."

Councilmember Barnwell stated, "In further reading of the covenants, the restrictions would run with the land for ten years and would be subject to renewal by the Property Owner's Association every ten years. Suppose they decide to alter what we recommend here today, there is nothing to prevent them from doing it. Generally, when you have restrictions it runs for the life of the property, why is it limited to ten years?"

Mr. Shuler stated, "I cannot answer that, these covenants and restrictions were based on the ones for Wells Grove and if we have to amend some of these terms, we are certainly open to doing that."

Councilmember Barnwell stated, "My concern is, if Joe Blow doesn't paint his house and all the lots aren't sold and they change the setback lines of that nature, I think it would have to be pertinent to and run with the land for the life."

Mr. Shuler asked, "Do you have that section referenced, so I can address that?"

Councilmember Barnwell stated, "Article VI, Section 24 before duration on page 18."

Councilmember Rheney asked, "What is the question?"

Councilmember Barnwell stated, "I want to know why the restrictions aren't going to run in perpetuity against the property to prevent someone down the road from changing some aspect of the restrictions as you have prepared them?"

CITY COUNCIL MINUTES
PAGE 4

Mr. Shuler stated, "I think what might be appropriate there and I am speaking without the benefit of my attorney looking at this, my understanding is that the base constraints of the PDD approval lock us into the building size, the lot sizes and that sort of thing. I believe what we want to reserve the right to do is if the property owners collectively decide of the approved colors of the buildings for whatever reason might be amended, that this would give them the ability on 75% positive vote to amend them."

Councilmember Barnwell stated, "That's not the way I interpret it."

City Attorney Walsh stated, "There is also a Planned Development District Agreement between the developer and the City that spells out the same deed requirements of the Code and that is filed just like restricted covenants before any lots are sold."

Councilmember Barnwell asked, "Will that run in perpetuity?"

City Attorney Walsh stated, "Yes, it has to be changed by Council or minor changes could be made if approved by the Building Inspector."

Mr. Shuler stated, "I think that is only during construction."

Councilmember Barnwell stated, "I am concerned about after ten years."

City Attorney Walsh stated, "That agreement doesn't have any time limitations."

Councilmember Barnwell stated, "I have some problems with the density and the balance of the land to build these homes, people are going to be on top of each other."

Mr. Shuler stated, "This can be looked at in two ways, one is how close the houses are in relationship to one another and two, how many units per acre you have to build them on the track. The approach we took is for a couple of reasons, the main reason is that the lower part of the site is not buildable. Even if it were buildable, one of the popular concepts of land development now is what is called the cluster development, where you put the homes and the infrastructure relatively close together and then leave green space and common area space on other parts of the property. That's what we chose to do here, and we're at two point something units per acre roughly. If you look at the standard, you will see that zoning has allowed me to put a house on a ... - Is it a 6,500 square foot lot? - Whatever the minimum zoning is allows me to put a house on a lot that really is not a whole lot bigger than what we're doing here."

Councilmember Barnwell asked in response, "Why didn't you just go with the minimum zone?"

Mr. Shuler replied, "Well, a couple of reasons. One, we didn't want to tear down the nice house; we wanted to try to keep that and use some of the existing features. Two, the cottage concept, we were asked of the price of the bundle concept, requires homes to be closer to the street and the setback requirements in standard residential zoning ordinance would not give us the minimum setbacks we needed to get that sort of sidewalk-front porch feel."

Councilmember Barnwell asked for clarity, "You're talking about the front setback line?"

Mr. Shuler replied, "Being closer to the street, which is a real popular development concept now. You'll see that everywhere - Charleston, Hilton Head. Those are the two main reasons. One, we wanted that closer process to the city. We needed the type B- PDD which allows to maintain the good house and reach for the better in this house."

Councilmember Barnwell then mentions, "Well, the setback line, the sideline; these lines seem to be the same as the rest of what I totaled?"

CITY COUNCIL MINUTES
PAGE 5

Mr. Shuler then asked for clarity, "They said what?"

Councilmember Barnwell then repeated his statement, "The setback line – front, rear, and side – seem to be the same as what I totaled."

Mr. Shuler then states, "I think they are real close, I think that they are identical."

Councilmember Barnwell asks, "Are they equal to or greater than?"

Mr. Shuler replied, "I'm pretty much sure they're the same. I'd have to check my notes in the front of it, inside to match them."

Mayor Miller then openly asks, "Anyone else has any questions for Mr. Shuler?"

Mayor Miller asks, "Is there anyone else who would like to speak at the Public Hearing? Is there anyone else who would like to speak at the Public Hearing? Is there anyone else who would like to speak at the Public Hearing? If not, then we will close the Public Hearing. Thank you very much."

Council entered into the regularly scheduled City Council Meeting.

PRESENT:

Paul A. Miller
Charles B. Barnwell
Bernard Haire
Charles W. Jernigan
Trelvis A. Miller
Joyce W. Rheney

ABSENT:

Sandra P. Knotts

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the July 20, 2004, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the Second Reading of an Ordinance defining Slum and Blighted Areas within the City. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance to approve "Rivers Point" Type "B" Residential Planned Development District. This was a 4-1-1 vote as Councilmember Barnwell opposed and Mayor Pro Tem Haire abstained.

Councilmember Rheney commented, "There was a lot of reading to do, but I think a lot of homework was done by the Planning Commission and they had two Public Hearings. I would like to thank them for their hard work along with Assistant City Administrator Harley."

City Administrator Yow informed Council that on Friday, July 30, 2004, the City was informed of the County of Orangeburg increasing their tipping fee at the County Landfill from \$31 per ton to \$35 per ton.

CITY COUNCIL MINUTES
PAGE 6

City Administrator Yow stated, "This increase was not built in any new budget numbers and the increase takes effect on August 1. The sanitation tipping fee rate is passed on to the City's commercial customers."

Councilmember Barnwell questioned whether County Council went through the proper Ordinance process with three readings. He stated, "Unless the County went through the proper protocol, I'd be opposed. At least contact them and delay it until October 1. If they've met the requirements, I haven't seen it."

City Administrator Yow replied that the fee increase could have been included in the County Council's Budget Ordinance."

Councilmember Barnwell noted that the City is required to give three readings of an Ordinance before passing a fee increase.

City Administrator Yow and Mayor Miller agreed that the notification was of short notice.

Councilmember Barnwell stated "We can't absorb such an increase, especially if it was not done properly."

A Motion was made by Councilmember Barnwell, seconded by Councilmember Miller to authorize City Administrator Yow to contact the County concerning this fee increase and ask for an extension until October, so that the City can put into effect an increase of that fee and to see if the County went through the proper procedures. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance amending the Budget for the City of Orangeburg, South Carolina, for the Fiscal year Beginning October 1, 2003 and ending September 30, 2004. This motion was unanimously approved.

City Administrator Yow addressed Council with an overview of the Budget for FY 2004-2005. He stated, "The budget has no tax millage increase and only two increases in fee in the Enterprise Funds. There will be an extra \$2 per 18 hole round of golf for cart rentals at Hillcrest Golf Course and a 10% increase in hangar rentals at the Orangeburg Municipal Airport. Revenues show a slight increase in property tax collections, a slight decrease in vehicle tax collections because of State Law. There will be no change in business license fees. Franchise fees are down about \$200,000 from previous year and \$500,000 overall because of a change in State Law and fire contract rates remain the same. There is no increase in the budget transfer from the Department of Public Utilities. The fund balance cash reserve is budgeted at \$780,000, a decision Council made in order to avoid passing on any increases in fees. On the expenditure side, there is no general fund transfer to the Golf Course or Airport. There is a 3% Cost-of-Living increase as well as about forty employees receiving merit increases ranging from 2 to 7%. There is an 8% increase in medical insurance costs, and a 4% increase in dental insurance. Benefits remain the same and the City will continue to share in the family coverage cost with the employee and will continue to cover 100% of the employee premium. Some \$60,000 in capital items were removed from the new budget and placed in the current fiscal year budget, up for amendment."

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire to Raise Revenue and adopt a Budget for the City of Orangeburg, South Carolina, for the Fiscal Year beginning October 1, 2004 and ending September 30, 2005. This motion was unanimously approved.

Ms. Janet Barrett accepted the Character Trait Proclamation "Initiative" for the month of August, 2004.

CITY COUNCIL MINUTES
PAGE 7

There were no utility matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session for a legal matter concerning condemnation of real property. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carrie W. Johnson". The signature is written in a cursive, flowing style.

Carrie W. Johnson
Assistant City Clerk

CWJ/pfb

CITY COUNCIL MINUTES
SPECIAL SESSION - AUGUST 10, 2004

Orangeburg City Council held a Special Session Meeting on Tuesday, August 10, 2004, at 5:30 P.M. in the Assembly Room of the Department of Public Utilities, 1016 Russell Street with Mayor Paul A. Miller presiding. Councilmember Jernigan gave an invocation.

PRESENT: Paul A. Miller, Mayor
Charles B. Barnwell
Charles W. Jernigan
Trelvis A. Miller, Sr.
Sandra P. Knotts
Joyce W. Rheney

Mayor Miller opened the meeting by thanking everyone for attending the Special Session of City Council.

Mayor Miller acknowledged a plaque that was presented to the Department of Public Utilities by the Orangeburg Baptist Tabernacle that read "With Deep Appreciation for Your Service, Faithfulness and Dedication to the Citizens of Orangeburg County During the Ice Storm of 2004".

The meeting was then turned over to Fred Boatwright, Manager of the Department of Public Utilities.

Fred Boatwright explained the purpose of the Special Session Meeting was to present to Mayor and Members of Council for their consideration the proposed 2004-2005 Budget.

Summary Budget Presentation
Fred Boatwright to Mayor and Council

Fred Boatwright expressed he was pleased to present a proposed budget for the City of Orangeburg, Department of Public Utilities for Fiscal Year 2004-2005. He explained the proposed budget reflected proposed changes in the costs of purchased power per our purchase agreement amendments with South Carolina Electric and Gas Company (SCE&G), increased costs of purchased natural gas per our new purchase agreement with South Carolina Pipeline Corporation (SCPC) and increased costs of providing Water and Wastewater service.

Mr. Boatwright went on to explain the budget does not anticipate what might happen to "off the market" natural gas pricing because that market is extremely volatile and there are so many unknowns in the market right now that will not be known at least for another year, maybe longer. He stated DPU does anticipate a change in purchasing arrangements for natural gas.

Mr. Boatwright explained the bond expenses for the borrowed \$9.5 million dollars are not shown in any of the financial statements because of accounting rules. GAAP will not allow us to show the interest expenses until the projects are completed and the loaned monies spent. Assets received through the "penny projects" have to be entered as income, rather than contributed capital as a result of GASB 34.

Mr. Boatwright further explained the budget numbers reflect anticipated increases. They are as follows:

Electric Division - Anticipating an approximate 2% increase in sales in the Electric Division. The Electric Division is also anticipating higher than expected costs for purchased power due to the increasing costs of fuel (more peak power is being generated with natural gas and recently the cost of coal has escalated significantly). Fuel costs that are incurred from our supplier are a direct pass through to our customers, so the net effect to our bottom line is zero.

Natural Gas Division - Anticipating an approximate 8% increase in the purchase cost of natural gas due to the predictions of natural gas costs on the market. The Gas Division anticipates it will be negotiating a new contract for gas transportation with SC Pipeline Corporation by fall of 2005. The Gas Division will be purchasing all its gas requirements off the open market.

Water Division - The cost of operating and maintaining our water system continues to rise. The Water Division is about to embark on a very expensive addition to our water plant. This year DPU borrowed \$9.5 million dollars for the plant expansion. The loan was structured in such a way that the bond is a general utility bond so that the finances of the Water Division will not be so severely impacted. Mr. Boatwright advised he will be asking Mayor and Council to approve another increase in Water Rates later in the budget year.

Wastewater Division - The Wastewater Division is experiencing modest growth. The finances are relatively stable. Mr. Boatwright advised the Department does not anticipate any changes to our Wastewater Rates in the upcoming year.

Overall Summary

Spending on capital projects in Fiscal Year 2004-2005 is anticipated to be considerably more aggressive than last year. There are some potentially important business opportunities (primarily in the Natural Gas part of our business) which may arise for which we need to be prepared. Most of the capital projects are carry-overs from previous years. However, there are some new capital projects notably a proposed wastewater interceptor line in the Wastewater Division and an extension of a gas line to Road 22 and I-26 in the Gas Division.

There are no new capital projects anticipated for the Administrative, Electric, or Water Divisions. There is however a number of capital projects on going in those Divisions.

Mr. Boatwright stated this is a sound budget proposal that does anticipate some rate increases and which provide us with the resources to continue to meet our obligations of:

1. Providing our customers with the best possible service at the lowest possible rates
2. Providing a reasonable return on investment for the City of Orangeburg
3. Maintaining and investing in our utility infrastructure to meet the challenges of the future

Mr. Boatwright expressed none of this could be accomplished without the dedication of all its employees and the support and leadership of the Mayor and City Council.

The meeting was then turned over to the Director of each Division to give a brief summary of their projects. They are as follows:

ADMINISTRATIVE DIVISION PROJECT

Project #1 - Administrative Building Modifications

Total Project Cost:	\$1,726,374
Expenditures to Date:	\$ 584,196
Estimated 2004-2005 Cost:	\$1,142,178

Continuation of an approved/ongoing project. The purpose of this project is to rearrange and expand the DPU office building in order to provide better access for our customers to pay bills and conduct other business at the main office building, and provide for more office space and maximum employee productivity.

ELECTRIC DIVISION PROJECTS

Project #1 - Geographical Information System

Total Project Cost:	\$4,750,000
Expenditures to Date:	\$3,065,512
Estimated 2004-2005 Cost:	\$1,184,488

Continuation of an approved/ongoing project. The purpose of this project is to allow all DPU computer systems to be integrated. The benefit will be a much-improved mapping and response to outages, not just electric but all the Divisions of the Department of Public Utilities.

Project #2 - 115 kV Transmission Line & Substation #24

Total Project Cost:	\$3,315,000
Expenditures to Date:	\$ 245,000
Estimated 2004-2005 Cost:	\$ 200,000

Continuation of an approved/ongoing project. The purpose of this project is to provide the County/City Industrial Park and adjoining area with additional electrical capacity to

improve service reliability, future capacity for industrial development, and to restore capacity in the Department's existing Substation #15 (301 North) and Substation #20 (Rowesville Road).

1547

Project #3 - DPU Radio System

Total Project Cost:	\$ 600,000
Expenditures to Date:	\$ 50,000
Estimated 2004-2005 Cost:	\$ 550,000

This is an approved/ongoing project. The purpose of this project is to evaluate our existing radio communication system with the following options in mind (1) upgrade to a new system or (2) improve our existing system. As part of this project, the system will be designed so that the City's Public Safety, Public Works, Service Department, and the other Departments of the City may also use the radio system. This will allow all the Departments of the City to be able to communicate in emergency situations and be of assistance to one another. The radio system will also be designed for future expansion as needed and will cover all our service areas.

GAS DIVISION PROJECTS

Project #1 - Natural Gas Service to Interstate 26 & Road 22

Total Project Cost:	\$ 897,000
Expenditures to Date:	\$ 0
Estimated 2004-2005 Cost:	\$ 897,000

This is a new project. The purpose of this project is to construct a natural gas main that will provide future gas service to the intersection of Interstate 26 and Road 22 (Exit 139) in Calhoun County.

Project #2 - Natural Gas Service to Interstate 26 & Homestead Road

Total Project Cost:	\$1,017,000
Expenditures to Date:	\$ 0
Estimated 2004-2005 Cost:	\$ 126,029

This is an approved/ongoing project. The purpose of this project is to construct a natural gas main that will provide future gas service to the intersection of Interstate 26 and Homestead Road.

WATER DIVISION PROJECTS

Project #1 - 10 Million Gallon Per Day Treatment

Capacity Expansion at the Water Treatment Plant

Total Project Cost:	\$16,524,000
Expenditures to Date:	\$ 2,368,000
Estimated 2004-2005 Cost:	\$ 7,360,000

Continuation of an approved/ongoing project. The purpose of this project is to address projected water system demand increases by increasing the treatment capacity at the Water Treatment Plant from 19-million gallons per day to 30-million gallons per day. This is a major project intended to provide adequate water supply for the next ten years. This project will require approximately 3 years to complete. This expansion will represent the final capacity expansions planned at the John F. Pearson Water Treatment Plant.

Project #2 - Deep Well Aquifer Storage & Recovery (ASR)

Total Project Cost:	\$3,500,000
Expenditures to Date:	\$ 85,450
Estimated 2004-2005 Cost:	\$ 0

This is an approved/ongoing project. The purpose of this project is four-fold. The four primary objectives of this project are to provide additional finished water storage without constructing another finished water reservoir in the Edisto Memorial Gardens, improve overall water quality, meet projected demand during summer peak water usage and provide for water availability during emergency situations.

WASTEWATER DIVISION PROJECTS**Project #1 - Whitford Stage Creek Wastewater Trunk Line**

Project Cost:	\$ 602,000
Expenditures to Date:	\$ 0
Estimated 2004-2005 Cost:	\$ 301,000

This is a new project. The purpose of this project is to accommodate future growth of the wastewater system and the proposed wastewater flows associated with the Orangeburg County "Penny Projects". The County's projects will provide service to approximately 385 existing residences presently served by septic tanks. These projects, funded entirely by the County, are currently in the design phase. In addition there are other areas being considered by the County for future projects and the proposed additions to our collection system will provide the possibility of serving residential and possible industrial customers in a large geographical area along Highway 33 across I-26 and as far as Eastwood Acres on the Belleville Road.

This Completed the Proposed Project Presentations by the Directors

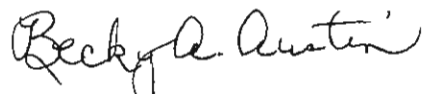
Mayor Miller thanked Fred Boatwright and his staff for the informative presentation and stated he and all the members of Council appreciate the good work that comes out of DPU.

Mayor Miller presided over the first reading of the Ordinance to Adopt a Budget for the Operation of the Department of Public Utilities for Fiscal Year October 1, 2003 through September 30, 2004.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to accept the first reading of an Ordinance to Adopt the 2004-2005 Annual Budget for the Department of Public Utilities. Council voted unanimously to approve the Budget on 1st Reading.

There being not further business, a motion was made by Councilmember Jernigan, seconded by Councilmember Miller to adjourn the meeting. Council voted unanimously to adjourn the meeting.

Respectfully submitted,



Becky A. Austin, Secretary to Manager
Department of Public Utilities



CITY COUNCIL MINUTES

AUGUST 17, 2004

Orangeburg City Council held a Public Hearing on Tuesday, August 17, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was to adopt a Budget for the City of Orangeburg, South Carolina, for the Fiscal year beginning October 1, 2004 and ending September 30, 2005.

City Administrator Yow presented Council with a brief overview of the Budget for the Fiscal Year 2004-2005. He notified Council of one change, that was also brought up at the last Council meeting, of the commercial sanitation increase passed on to the City from the County of Orangeburg. This increase was unknown during the budget work sessions and was not included in the original numbers. City Administrator Yow stated, "The County did respond to our inquiry. They informed us that they did adopt the sanitation increase in their budget proceedings and they meant to give us a thirty (30) day notice. As a compromise, it will not go into effect until September 1, 2004."

There were no comments made at this Public Hearing.

A Public Hearing was held to adopt a Budget for the Department of Public Utilities for the Fiscal Year beginning October 1, 2004 and ending September 30, 2005.

Department of Public Utilities Manager Boatwright over viewed the Budget for Fiscal Year 2004-2005. He indicated no changes since the Special City Council meeting. He highlighted the total expenses to be \$79,000,000 and that capital improvements would be \$11,760,000. He indicated that the water rates are expected to increase later in the year and that the electric rate may change for large industrial customers.

There were no comments made at this Public Hearing.

The Public Hearing was closed and Council entered into the regularly scheduled City Council meeting. An invocation was given by Reverend Jim Parnell, Associate Pastor of Northside Baptist Church.

PRESENT:

Paul A. Miller
Charles B. Barnwell
Bernard Haire
Charles W. Jernigan
Trelvis A. Miller
Joyce W. Rheney

ABSENT:

Sandra P. Knotts

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the August 3, 2004, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Rheney, to approve the August 10, 2004, Special City Council Minutes as distributed. This was a 5-0-1 vote as Mayor Pro Tem Haire abstained.

Ms. Denise J. Clark made an appearance before Council as a representative for the Miss South Carolina, USA Pageant. She made Council aware of her platform of QUIT, Queens United Involving Teens. She stated, "This program would exemplify quality leadership, provide mentorship and to empower all young women of all ages and backgrounds." Ms. Clark asked for Council's support in advertising in the Miss South Carolina USA program book.

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Councilmember Miller stated, "I hope you do well, I am pleased that we have a home grown apple to represent Orangeburg and I think the whole community should rally behind you and support you and I commend you."

Mayor Miller offered his congratulations and best wishes.

Department of Public Safety Director, Wendell Davis, introduced to Council, Ms. Alisa Mosely, who presented the Department of Public Safety with the 2004 Alltel SCLEOA Crime Prevention Award. Ms. Mosely highlighted some of the statistics that DPS has done since 2000 to decrease the violent crime rate in Orangeburg.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to approve the Third Reading of an Ordinance defining Slum and Blighted Areas within the City of Orangeburg. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan to approve the Second Reading of an Ordinance to approve "Rivers Point" Type "B" Residential Planned Development District. This was a 5-1 vote as Councilmember Barnwell opposed.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the Second Reading of an Ordinance amending the Budget for the City of Orangeburg, South Carolina, for the Fiscal Year beginning October 1, 2003 and ending September 30, 2004. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance to Raise Revenue and Adopt a Budget for the City of Orangeburg, South Carolina, for the Fiscal year beginning October 1, 2004 and ending September 30, 2005. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution for Slum and Blighted areas within the City of Orangeburg. This motion was unanimously approved.

Public Works Director, Durwood Bowden, presented Council with a grant from the Federal Aviation Administration in the amount of \$90,000. Mr. Bowden explained to Council about the grant and the areas that would be improved, including the Supplemental Wind Cone Project and design of the the Apron Expansion Project.

Councilmember Barnwell asked, "Is the \$2,340.00 our portion?"

Mr. Bowden replied, "Yes."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the acceptance of a Federal Aviation Administration Airport Improvement Grant in the amount of \$90,000. This motion was unanimously approved.

Public Works Director, Durwood Bowden, presented Council with the requests for proposal results for engineering firms for the Orangeburg Municipal Airport. He explained to Council that only one request was received and that was from the LPA Group, who has been doing the engineering services for the last 15-20 years at the Airport. He went further to explain that the FAA suggests soliciting proposals and an ad was run in the State Newspaper. Mr. Bowden stated, "We are pleased with their services and I recommend that we continue this relationship."

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the selection of an engineering firm for the Orangeburg Municipal Airport. This motion was unanimously approved.

Agenda Item 12, Authorization to enter into an Agreement with Orangeburg County for Building Inspection Services, was withdrawn.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the Second Reading of an Ordinance to adopt a Budget for the Department of Public Utilities for the Fiscal Year October 1, 2004 through September 30, 2005. This motion was unanimously approved.

Mayor Pro Tem Haire asked if Council would purchase an ad from the Miss South Carolina USA program book.

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Councilmember Barnwell asked if this would set a precedent for any other pageants that solicit funds?

Mayor Miller and Councilmember Rheney stated that each funding request stands on its own merits and would be looked at individually.

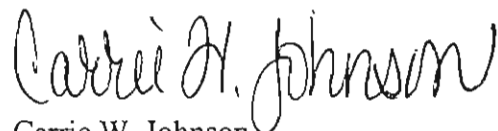
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to recommend that the City purchase a one-half page ad in the Miss South Carolina USA official program book. The vote was 4-2, with Councilmembers Jernigan and Barnwell opposing.

Mayor Pro Tem Haire addressed Mayor and Council stating that a copy of an unsigned document was given to him and if the individual can write the letter, that he or she could sign the letter as well and he does not wish to see any further such material if it is unsigned.

A motion was made by Councilmember Miller, seconded by Mayor Pro Tem Haire to adjourn. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson

Assistant City Clerk



CITY COUNCIL MINUTES SEPTEMBER 7, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, September 7, 2004, at 7:00 P.M., in Council Chambers at City Hall with Mayor Miller presiding. An invocation was given by Councilmember Jernigan.

PRESENT:

Paul A. Miller
Charles B. Barnwell
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the August 17, 2004, City Council Minutes as distributed. This was a 6-0 vote as Councilmember Knotts was not present at the time of voting.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the Third Reading of an Ordinance to approve "Rivers Point" Type B Residential Planned Development District. This was a 5-1 vote as Councilmember Barnwell opposed and Councilmember Knotts was not present at the time of the voting.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire to approve the Third Reading of an Ordinance amending the Budget for the City of Orangeburg, South Carolina, for the Fiscal Year beginning October 1, 2003, and ending September 30, 2004. This was a 6-0 vote as Councilmember Knotts was not present at the time of voting.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the Third Reading of an Ordinance to Raise Revenue and Adopt a Budget for the City of Orangeburg, South Carolina, for the Fiscal Year beginning October 1, 2004, and ending September 30, 2005. This motion was unanimously approved, 7-0.

Consideration of funding requests from the Samaritan House and the Orangeburg County Economic Development Commission were deferred until a later meeting.

Mr. David Coleman, President of the Orangeburg County Chamber of Commerce, accepted the Community Character Trait Proclamation for the month of September 2004, "Endurance".

City Administrator Yow presented an Ordinance to Council as to amending the Business License Ordinance to adjust the rate on telecommunications due to the State Legislature changing the State Law. Instead of .75% tax that local governments had been allowed to collect, the law was changed to allow the collection of 1% of the business license tax. The Municipal Association of South Carolina will collect the fees for the City.

Mayor Pro Tem Haire asked, "What are the procedures when it comes to State Legislature taking the rights of cities of collecting taxes?"

City Attorney Walsh stated, "Our authority to tax comes from the Legislature so they can decide on the methods and the amounts we can tax."

Mayor Pro Tem Haire asked, "We have no recourse?"

City Attorney Walsh stated, "We have the possibility of a constitutional issue that has been discussed for a number of years."

City Administrator Yow stated, "In other words, there has to be a lawsuit brought up to challenge the constitutional issue."

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the First Reading of an Ordinance amending the Business License Ordinance levying a Business License Tax on Retail Telecommunications Services. This motion was unanimously approved.

CITY COUNCIL MINUTES**PAGE 2**

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the Third Reading of an Ordinance to adopt a Budget for the Department of Public Utilities for the Fiscal Year beginning October 1, 2004, through September 30, 2005. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Mayor Pro Tem Haire, to adjourn the meeting. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
Assistant City Clerk



CITY COUNCIL MINUTES

September 21, 2004

Orangeburg City Council held a Public Hearing on Tuesday, September 21, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was to receive public input concerning a Local Law Enforcement Block Grant (LLEBG) to be awarded to the Department of Public Safety. The grant amount is \$18,784 with the City's match in the amount of \$2,087. The purpose of the LLEBG Program is to reduce crime and improve public safety. The grant will also provide for law enforcement tactical surveillance equipment, mobile-data system enhancement and a Community Crime Prevention Program.

An invocation was given by Roger Brant, Director of the Service Department.

Mayor Miller opened the Public Hearing.

Mayor Pro Tem Haire asked, "What other tactical equipment do you have?"

DPS Director Wendell Davis stated, "We use tactical surveillance equipment in our undercover operations and in normal investigative operations and in narcotics and we look to enhance our present equipment."

A representative of Healing Species, Mrs. Cheri Thompson, asked to address City Council. Ms. Thompson wanted to inform Council about the organization but agreed it would be more appropriate later in the meeting, as it did not pertain to the LLEBG.

Hearing no other public comments, Mayor Miller closed the Public Hearing.

Council entered into the regular scheduled City Council Meeting.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell
Bernard Haire
Charles W. Jernigan
Trelvis A. Miller
Joyce W. Rheney

ABSENT:

Sandra P. Knotts

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the September 7, 2004, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the Second Reading of an Ordinance amending the Business License Ordinance levying a Business License Tax on Retail Telecommunications Services. This motion was unanimously approved.

Councilmember Jernigan excused himself from the meeting as it relates to Item #3, Consideration of Funding Request from the Samaritan House, on the agenda.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to fund the Samaritan House over a two-year period for \$27,000 total. The vote was 3-2. Mayor Pro Tem Haire and Councilmember Miller opposed.

City Administrator Yow addressed Council on the funding request from Orangeburg County Economic Development Commission to fund their new office on Highway 601 at Exit 145. The funding can be over a period of three years, split, or a one-time donation from zero to \$35,000.00

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and this is a one-time request. He stated further, "If Council elects to fund this, I understand it would be subject to favorable review by the City Attorney of the ownership documentation.

Councilmember Barnwell stated, "Where is this being built? I understand it is being built on Highway 601, not Highway 301, where the City/County Industrial Park is, correct?"

City Administrator Yow stated, "Yes, it is at Exit 145, and Highway 601."

Councilmember Jernigan asked, "Is this General Fund money?"

City Administrator Yow stated, "Yes, it would be."

Councilmember Rheney asked, "Is this a separate building or part of another building?"

Mayor Miller stated, "It is a two-story condo style building and the Economic Development Commission has one-fourth of the building that the County is buying. It is a condition of buying and that is what the City Attorney has to determine."

Councilmember Barnwell asked, "Does the Commission also own the property as well as the building?"

City Administrator Yow stated, "Yes, that is my understanding."

Councilmember Barnwell asked, "Are they going to have a fee simple title to the land itself?"

City Administrator Yow stated, "That is what the City Attorney will have to find out."

Councilmember Rheney asked City Attorney Walsh, "Is this something you think we should see ourselves first before we make a decision on this?"

City Attorney Walsh stated, "It would be subject to approval. Once I review the documents, we could always come back to Council if the situation didn't need to be funded with public money."

Councilmember Rheney stated, "I really have mixed emotions about this and I think I will speak my peace. First of all, this is in a private park and my wishes would have been for the building to be in the Orangeburg County/City Industrial Park. But, I think it had gone too far by the time we have found out that this was going to be in a private park. On the flip side of that, I feel like anything that we do in the way of industry in Orangeburg County affects the City of Orangeburg also. Because of this, I am willing to vote for funding in some way and I feel I have to be honest about that."

Councilmember Barnwell stated, "Personally, as being one of the members of this Council, I am 100% in favor of the Commission bringing industry and businesses to Orangeburg. Had this particular building, the office for the Orangeburg County Development Commission, been built on the existing property at the intersection of Highway 301 and I-26 at the Industrial Park where the City and County own, I would be 100% in favor of it. Due to the fact, that after construction had been started; we had no knowledge of it being built in a privately owned park that is owned by a corporation and/or individuals, I think it was manifestly unfair. To use the City of Orangeburg's, tax proceeds or money to put into funding this, when it is being built in a private park and may create some situations possibly where it could be advantages given to the businesses owner. Absent that, if it had been built in the Industrial Park and I think we recommended that, and it was not taken into consideration, I cannot support using taxpayer's money to fund this being built in a private park. I am in support of bringing jobs into Orangeburg County, but this is not right. I think we have dwelled on this long enough and we need to vote and move on with it."

Councilmember Miller made a motion to table this item for funding for the Orangeburg County Development Commission offices and for it to be reviewed by the City Attorney and bring it back

before Council to make a sound decision. Mayor Miller seconded the motion. The vote was 3-3 and the item did not pass. Councilmembers Barnwell, Jernigan, and Mayor Pro Tem Haire opposed the motion.

City Administrator Yow explained that the City would be modifying an existing loan agreement to reduce the interest rate on a present loan and remove a property from the collateral list with Branch Banking & Trust. He stated, "This is a good opportunity for us to modify the existing loan and save the City some money. It will save annually \$17,481 and over \$260,000 over the remaining years on the loan."

Councilmember Barnwell commended City Administrator Yow on accomplishing this.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the loan agreement for reducing the interest rate on a present loan and removing a property from the collateral list with Branch Banking and Trust. This motion was unanimously approved.

Parks and Recreation Director, Buster Smith, notified Council on the bids received to remove the stumps from the property located off Chestnut Street behind Wal-Mart that was purchased from the YMCA. He further explained, "The specifications were given as a unit price per acre and for silt fencing, and also included is clearing and grubbing. A final determination of the actual number of acres that requires work will not be known until a survey is completed. Five firms submitted bids to our request and the low bidder was checked with a positive response. I would recommend to you that you authorize the City Administrator to sign the contract on the City's behalf with Carolina Construction Specialties."

Mayor Pro Tem Haire asked, "Are you saying this is just an approximate figure from this company?"

Parks and Recreation Director Smith stated, "That this was an approximate figure of the number of acres that was specified in the bid request. City staff estimated that there would be approximately fifty (50) acres that would need the stumps removed."

Mayor Pro Tem Haire asked, "If there is more than this estimate, then the cost would go up?"

Parks and Recreation Director Smith stated, "Yes, but it would be on the cost per unit."

City Administrator Yow stated, "What I am asking, is give authorization, once we clear some of the area, because we have to determine wetlands and other physical features to give me authorization to extend this on the unit price."

Mayor Pro Tem Haire asked, "The YMCA cut the timber and sold it?"

Parks and Recreation Director Smith stated, "That is correct".

Mayor Pro Tem Haire, "All of this has been accomplished already?"

Parks and Recreation Director Smith stated, "That is correct."

Councilmember Barnwell asked, "It is my understanding, as I recall, under the Agreement to purchase the property and the YMCA was supposed to keep the timber and the assets from the sale of the timber. Why didn't the YMCA grind the stumps and remove them and why should the City be responsible for them?"

Parks and Recreation Director Smith stated, "To the best of my knowledge, the only thing that was specified in some of the talks was the property, and I don't think that was a point that was ever raised."

City Administrator Yow stated, "They are responsible in clearing the land they are taking ownership of, and we are responsible for the land that we are took ownership of."

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Councilmember Barnwell asked, "Aren't they getting the money from the timber for the land that we purchased?"

Mayor Miller stated, "They had already cut it before we bought the property."

Councilmember Barnwell stated, "That is a lot of money."

City Administrator Yow stated, "When we looked at the overall price of the property and what we paid for it, the appraisal was based on the timber value being removed from the property."

Councilmember Barnwell asked, "Was the stump removal taken into consideration?"

City Administrator Yow stated, "That it was."

Councilmember Miller stated, "My sentiments are the same, that is a lot of money and if they already retained the money for the timber, we didn't take into account the stumps."

Mayor Miller stated, "It was, we bought the property as-is, and we bought it knowing there were stumps on it and knowing we were going to have to remove the stumps and the price we paid for it was a good price and this was taken into consideration just as we would if moving around dirt. The cost of the project is coming from the one-cent sales tax that was passed six years ago and so this is a cost of the construction process."

Councilmember Barnwell stated, "I wouldn't have a problem with moving dirt around because we would have to do that to create ball fields."

Mayor Miller stated, "We already bought it."

Councilmember Barnwell stated, "I must have been asleep when this came by."

Councilmember Miller stated, "I was too."

Mayor Miller asked Parks and Recreation Director Smith, "If I understand this correctly, this bid is on fifty acres at \$1,485.00 per acre?"

Parks and Recreation Director Smith replied, "It is actually less than that because of the two other elements involved. We anticipate that there will be five other acres that will be cleared and cut and there is also a small amount of silt fencing based in the bid."

Councilmember Jernigan, "I agree that the property belongs to us now and before we can do anything with it, we will have to remove those stumps and it is going to cost us to remove the stumps and whether it is going to cost us now or later, it is our problem right now and we need to go ahead and take care of it."

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to authorize Carolina Construction Specialties of Orangeburg to do stump removal/disposal in the amount of \$74,250.00. This was a 4-2 vote with Councilmembers Barnwell and Miller opposing.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to accept the Local Law Enforcement Block Grant (LLEBG) in the amount of \$18,784 with the City's match of \$2,087. This motion was unanimously approved.

There were no utility matters brought before Council.

Mrs. Cheri Thompson addressed Council on the "Healing Species" program for crime prevention and a funding request. She briefed Council on the program and what is done in the schools with Crime Prevention and gave Council the statistics on who is served and what has been accomplished.

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Councilmember Miller asked, "What was your initial request?"

She replied, "My initial request is that I misunderstood that there was a grant available for crime prevention in general and I am so pleased that it is already spoken for and that they have great plans for it and I am certain that they will do amazing things with that money, but I misunderstood that there would be an open forum for general conversation of this nature."

Councilmember Jernigan stated, "I am familiar with this group and I worked with them last year in one of their fund raisers and they are an exceptionally energetic group of people that work hard and I feel if we can find some way to help them, it would benefit Orangeburg tremendously."

Mayor Pro Tem Haire asked, "If the opportunity did afford itself, is there a dollar figure, that you had in mind, as it relates to what you would have asked tonight, if the opportunity would present itself?"

Mrs. Thompson stated, "This may be a little ambitious and if it is, I will definitely amend this request, \$15,000 over a two year period."

City Administrator Yow advised Mrs. Brown to provide Council with their annual report, audit, operating budget, who their other donors are and who they are soliciting funds from."

Mayor Pro Tem Haire asked, "Can you provide this by next Council meeting?"

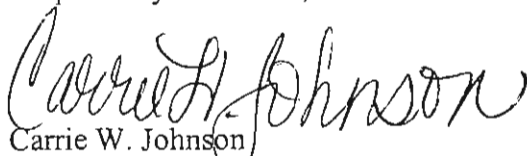
Mrs. Thompson stated, "Yes."

Councilmember Barnwell stated, "I commend you on what you are doing as it relates to abused animals and abused children."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to adjourn the meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk





RESOLUTION

- WHEREAS,** the City of Orangeburg, South Carolina is concerned about the economic viability of slum and blighted areas within the corporate limits; and,
- WHEREAS,** the slum and blighted area projects a negative visual image of the community; and,
- WHEREAS,** the economic, social, physical, and cultural well-being of the City is adversely affected by the conditions of this slum and lighted area; and,
- WHEREAS,** there exists the opportunity to improve, preserve and redevelop this slum and blighted area to the benefit of the community; and,
- WHEREAS,** the slum and blighted area qualifies under the provisions of Ordinance No. 2004-9 passed in Council on 17th day of August 2004; and,
- WHEREAS,** the following detrimental conditions (minimum of five must be listed) have been identified which qualify the area under the State Law:

- 1) Age of buildings (defined as at least 50 years old)
- 2) Dilapidation so as not to be suitable as a residence or place of business
- 3) Deterioration
- 4) Presence of structures below locally adopted code standards (defined as 25% of structures within the designated area)
- 5) Excessive vacancies
- 6) Depreciation of physical maintenance
- 7) Diversity of ownership of such land

NOW, THEREFORE, BE IT RESOVED, that the following area be designated a "Slum and Blighted" Area:
(Description and boundaries of area and attached map of the area)

The project will cover downtown Orangeburg-an eight-block area on or near Russell Street from Treadwell Street to Elmwood Street

RESOLVED AND AGREED upon this 17th day of August 2004



Carrie H. Johnson

Attest: City Clerk

Paul M. Miller
Mayor
James H. Haie
Charles E. Brown
James K. Kene
Charles D. Brown
Julius A. Miller

Councilmembers

*Samaritan House
File*

MEMO FROM
CHARLES W. JERNIGAN

TO: John H. Yow, City Administrator
FROM: Charles W. Jernigan, Council Member
DATE: September 7, 2004
SUBJECT: Samaritan House



Please place in the record for the City Council Meeting on Tuesday, September 7, 2004. *or any subsequent meetings.*

Due to a potential conflict of interest, I will not participate in any discussion, voting, or any matter relating to the Samaritan House.

If you have any questions, give me a call.

CITY COUNCIL MINUTES OCTOBER 5, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, October 5, 2004, at 7:00 P.M. in City Council Chambers with Mayor Miller presiding. An invocation was given by Reverend Nate McMillian from Petra Community Church.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell, Jr.
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to approve the September 21, 2004, City Council Minutes, as corrected. This was a 6-0-1 vote as Councilmember Knotts abstained as she was not present at the last meeting.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the Third Reading of an Ordinance amending the Business License Ordinance levying a Business License Tax on Retail Telecommunications Services. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance to modify a Loan Agreement with Branch Banking and Trust. This motion was unanimously approved.

A motion was made by Councilmember Knotts, seconded by Councilmember Miller, to fund the Orangeburg County Development Commission a total of \$35,000.00, payable in three equal annual installments for enhancements and improvements for the relocation of the office and staff at the Carolina Regional Park, located at the intersection of US Highway 601 and Interstate-26.

Councilmember Barnwell asked, "What is the difference between the Orangeburg County Economic Development Commission and the Orangeburg County Economic Development Board?"

Mayor Miller replied, "They are one in the same, the Orangeburg County Development Board is appointed by members of County Council to oversee the operations of the Orangeburg County Economic Development Commission.

Councilmember Barnwell asked, "Who is making this request?"

Mayor Miller replied, "The Commission."

Councilmember Barnwell stated, "This has been on the agenda for several times and has been discussed. I have read the article in the paper today. I have addressed Council as to my position at the last Council Meeting. I am beginning to sound like a broken record, but I guess I'll break the record. As I indicated at last Council Meeting, I am 100% in favor of bringing economic development to the City and County of Orangeburg, including industry, private businesses, anything that would create jobs for the citizens of this County and this City. If this Economic Development Commission building, or new office, would have been built in the City/County Industrial Park, I would be wholeheartedly 100% behind it. As I understand it, this building is being built by the Orangeburg County Economic Development Commission in a privately owned industrial park and complex at the Intersection 601 and I-26. I feel I was elected in a fiduciary capacity and to the best of my ability to protect the interest of the citizens of Orangeburg and for that matter, all the citizens and not just my district. To use taxpayers funds to put into a private development, not only is potentially ethically wrong and morally wrong, I cannot support it and will not support it, and again

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I say for the record, I want to bring jobs to Orangeburg and I am not against bringing jobs to Orangeburg, but this is not right. It gives an unfair advantage to certain people in that partnership and it is not fair to other businesses.”

This was a 6-1 vote as Councilmember Barnwell opposed.

Reverend Nate McMillian accepted the Community Character Trait Proclamation “ Respect” for the month of October, 2004.

Department of Public Safety Director Davis notified Council of the Grant Award for Violence Against Women Act Program (STOP) in the amount of \$44,458 with a City match of \$14,819 to fund one investigator for domestic violence. Director Davis stated, “There were 118 cases of criminal domestic violence last year and 85 cases so far this year.”

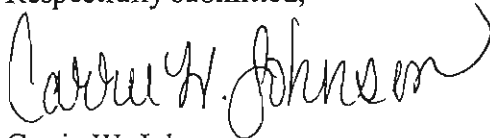
A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to authorize City Administrator Yow to accept the Grand Award from Violence Against Women Act Program (S.T.O.P.). This motion was unanimously approved.

There were no utility matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session regarding the purchase of real property.

There being no other business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson

Assistant City Clerk



CITY COUNCIL MINUTES OCTOBER 19, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, October 19, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Jernigan.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell, Jr.
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the October 5, 2004, City Council Minutes as distributed. This motion was unanimously approved.

Ms. Linda Bell appeared before Council to discuss a Department of Public Utilities (DPU) matter concerning property at 219 Sunny Drive. She stated, "I have a situation with DPU that I feel I am not responsible for. I purchased property the last of September and we weren't allowed to take possession of it until October 1st by request of the Sheriff's Office. When I called DPU to turn on the lights and to check for damages, everything went fine. I was called later and told I could not get lights because I had to pay a \$500.00 tampering fee. With our negotiations with Mr. Boatwright, it is now down to \$230.00 which is a cut-on and cut-off fee. I think that is very unreasonable, we didn't do the tampering, it was the former party that lived there previously, before we bought the property. We don't have the kind of time that Mr. Boatwright is suggesting to patrol his equipment. According to his practice, DPU is going after the landowner, not the one who did the crime. I would like for you to reconsider his decision because I don't think it is fair and just. I understand Mr. Boatwright's feelings on this, but he said he has to get his money somewhere and I understand that, I feel like you should go after the person who committed the crime. If I would have known, I wouldn't have bought it."

Mayor Pro Tem Haire asked, "If I am understanding this correctly, you purchased this property and there was tampering that took place before you took ownership?"

Ms. Bell replied, "The man that we bought it from was allowed to stay there before we took ownership, the Sheriff's office suggested that we allow him to stay there until September 30th, during that time he tampered with the meter. I got a call from one of my renters across the street that the lights were turned on the Saturday before the 1st. Mr. Boatwright said that the service wasn't clipped until October 1st and that is when we took it over."

Mayor Pro Tem Haire asked, "Was the service in your name when the tampering took place?"

Ms. Bell replied, "No sir."

Mayor Pro Tem Haire asked, "You are being asked to pay for someone's service and fees, have you paid that?"

Ms. Bell replied, "No sir, we are waiting for a decision from you."

Mayor Pro Tem Haire stated, "There is another case that I am aware of, with a similar situation. I have gotten a copy of the General Terms and Conditions and the paragraph that I am being referred to, I am not interpreting this as a landlord's responsibility based on these general terms. There needs to be some corrections based on what I have read in the General Terms and Conditions. I have attempted to contact the City Attorney but have had no success. He and I have returned each others calls, but were unable to contact one another."

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Mayor Pro Tem Haire asked City Attorney Walsh, "Are you familiar with other cases that are similar?"

City Attorney Walsh stated, "Yes, there are three."

Mayor Pro Tem Haire stated, "Based on what has been told to you and as it relates to her situation to what she said, does our General Terms and Conditions permit this?"

City Attorney Walsh stated, "I am not exactly sure what is set forth in the General Terms, but we are not under the jurisdiction of the Public Service Commission so we can set our own terms and it is up to manager who we serve outside the City. We serve customers outside the City on individual contracts. I think it has been a long time since this policy has been reviewed. Maybe we need to look at the General Terms and Conditions in more detail as to what happens in this situation."

Mayor Pro Tem Haire asked, "Based on the paragraph on page 16 and page 24, are you familiar with these?"

City Attorney Walsh stated, "I have looked at them, but I can tell you that there is no paragraph that I have seen that covers this situation."

Mayor Pro Tem Haire stated, "Good, Thank you."

Ms. Bell asked, "On the policy it is stated the date, November 2, 2002, is that new or something ongoing?"

Mayor Miller stated, "That was the latest General Terms and Conditions, as amended."

DPU Manager Boatwright addressed Council, "First of all, I'd like to say that there are three different kinds of charges that are associated with this particular matter. There is a penalty for tampering, which Ms. Bell is not being asked to pay. There is the unpaid utility bill, which we know Ms. Bell didn't do this and she is not being asked to pay that. As a result of the tampering, Ms. Bell told me that they closed on the house on September 21st and on October 1st, our people were dispatched out there to remove the meter because it had been tampered with. We cannot re-establish service to this location until those expenses are paid, which is \$231.00 to reconnect service for the new customer. The new owner has to pay to make the premise ready for power and ready to be connected."

Mayor Pro Tem Haire asked DPU Manager Boatwright, "A new residence, for example, if I were to move to another location and the services were turned off, would I have to pay what Ms. Bell is being asked to pay?"

DPU Manager Boatwright replied, "You would, if the facilities have been disconnected from the premise."

Ms. Bell stated, "When I called to get the lights turned on, they were not going to charge me anything."

DPU Manager Boatwright explained, "Yes, that was true, but when we reviewed the account, we found that this was the case."

Councilmember Miller asked, "Was this not the conversation we discussed at Council some months ago, asking new customers to take on old bills from former residents?"

Mayor Miller stated, "No, that was on deposits."

DPU Manager Boatwright stated, "I understand Ms. Bell's position, she is caught between a rock and a hard place here, and I understand that."

Councilmember Barnwell asked, "Was the former occupant a renter or did he own it?"

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Ms. Bell replied, "He owned it."

Councilmember Barnwell asked, "You mentioned the Sheriff's Office, why were they involved? Was he evicted under a foreclosure?"

Ms. Bell replied, "We bought it and we gave him until September 30th. I guess you could say we got into some trouble after we signed the papers and passed the monies on that day. Later on, he was arrested in Charleston by the FBI and we assumed he wouldn't be returning since he was in jail due to what he did. I had someone go into the house and begin cleaning it up because I had a buyer. The occupant came back and accused me of stealing and that is how the sheriff's office got involved."

Councilmember Barnwell stated, "Who is he?"

Ms. Bell stated, "Jamie Styles, the previous owner."

Councilmember Barnwell stated, "The previous owner is the one who tampered with the meter and he is the one who ran up an unpaid utility bill that remains unpaid."

Ms. Bell stated, "Yes sir."

DPU Manager Boatwright stated, "We are pursuing that with a warrant."

Mayor Miller asked, "Are you attempting to rent this or sell it?"

Ms. Bell replied, "I would like to sell it. I have got a buyer in mind. Mr. Boatwright stated he is going to get his money and I don't want this person to be involved in this and if I don't pay it, the next person that buys it, will pay for it."

Councilmember Barnwell asked, "The tampering took place before you took ownership. What type of residence is this?"

Ms. Bell replied, "Yes, it was before I took over the property, which is a mobile home and a lot. We did not take over the property until the 1st and I feel that I don't have any control over what that man did."

Councilmember Barnwell asked, "When was the service cut off?"

DPU Manager Boatwright stated, "October 1st."

Councilmember Barnwell asked DPU Manager Boatwright, "The equipment was removed, was it damaged or did it need repairing?"

DPU Manager Boatwright explained, "DPU removed the equipment to stop the stealing, we sent a line truck out there and physically took the line from the meter base. This is the second time, at a second location, that this person has been turned off for non-payment of the bill and he then turned himself back on. We took the meter away and he paid the tampering fee and paid for unused utilities and service charges and then this service was restored. Ms. Bell could not get the occupant out due to legal problems and during that period of time, he turned himself back on after being turned off again."

Councilmember Barnwell asked, "Is the meter still there?"

DPU Manager Boatwright explained, "No, it wasn't, the mast may be though."

Councilmember Miller asked, "What happens to someone who tampers and it is his first offense. Do we give them a fine?"

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DPU Manager Boatwright stated, "Yes, there is a fine and it is stated in the General Terms and Conditions. We ask that you pay the fine, unused bill and any charges. If you do not do that, then we will have to pursue with a warrant in court."

Councilmember Miller asked, "Even if we know it is malicious intent?"

DPU Manager Boatwright stated, "I can't imagine it would not be malicious intent when you physically turn the power back on and it is very dangerous."

Councilmember Miller stated, "Why didn't we take a warrant out at that time?"

DPU Manager Boatwright explained, "No, our policy is not to do that, if they pay what is specified in the General Terms and Conditions."

Councilmember Barnwell asked, "What are we asking Ms. Bell to pay for?"

DPU Manager Boatwright stated, "We are asking her to pay for the cost of restoring the service to the premise."

Councilmember Barnwell asked, "Not the back utility bills or tampering fees?"

DPU Manager Boatwright stated, "No, not those."

Councilmember Barnwell asked, "What is the standard cut-on and cut -off fee?"

DPU Manager Boatwright stated, "That fee is normally \$30, which normally we do not have to send a line truck out there to do that, we just send a service truck out there and restore service."

Mayor Miller asked, "If I build a house, I apply for service, you have to run a line to my house, do I have to pay a fee for running the line?"

DPU Manager Boatwright replied, "No, we charge a standard fee for cut-ons, which is \$30."

Councilmember Rheney asked DPU Manager Boatwright, "You said you have served him with a warrant?"

DPU Manager Boatwright explained, "Yes, we have, but the man is incarcerated at this time."

Councilmember Rheney asked, "Can't we collect this money from him?"

DPU Manager Boatwright stated, "Yes, we will try to do that, but as I have explained to Ms. Bell, if we are successful in getting it, the \$230.00 would be refunded. In the meantime, I know she wants her power on."

Councilmember Rheney stated, "Yes, I know and I feel like she should have it for \$30.00, which is a fair amount. She didn't have the line removed and I don't agree with it in this case."

Councilmember Barnwell asked, "Previously, how do we handle cases such as this?"

DPU Manager Boatwright explained, "Exactly this way."

Councilmember Barnwell asked DPU Manager Boatwright, "Is there any provisions in the General Terms and Conditions that addresses this situation?"

DPU Manager Boatwright stated, "There are specific terms in the General Terms and Conditions that addresses denial and discontinuance of service for a number of reasons. It states the Department may refuse or discontinue any service or services and remove the property of the Department without liability of the customer or tenants of the premise served for any lost, cost,

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damage or expense occasioned by such refusal, discontinuance or removal including, but not limited to the following: (1, 3 and 4.)

1. In the event that the equipment is hazardous or dangerous to prevent accurate meter reading
3. In the event of fraudulent or unauthorized use of services.
4. Unauthorized adjustment or tampering with the Department's equipment.

Councilmember Barnwell stated, "That would apply to the old owner and not the new customer, as I interpret it?"

DPU Manager Boatwright stated, "My interpretation of that is the new customer is Ms. Bell and she wants this service restored and we are saying we are not going to restore it."

Ms Bell stated, "He is saying that if someone gets shot in your yard and they can't get the person who did the shooting, they are going to hold the landowner responsible."

A motion was made by Mayor Pro Tem Haire that the fee that Ms. Bell is being asked to pay be rescinded and that she be provided with the services at the nominal cost of \$30.00 and any other citizen who is affected in a similar manner be governed by the same provisions. This motion was seconded by Councilmember Miller.

Councilmember Rheney asked, "Is this in order and would this be wiping out this clause in the Terms and Conditions?"

City Attorney Walsh stated, "This would be clarifying the Terms and Conditions."

Councilmember Barnwell asked, "How is this going to affect the other situations that are ongoing?"

City Attorney Walsh stated, "I do not know the facts and details of the other two."

Councilmember Barnwell stated, "What other ramifications is this going to affect, the other two situations, I think it would be tit for tat? If we pass this motion, we need to amend the contract to address the situation in the future so it won't be gray."

Mayor Miller stated, "I have been involved in maybe five or six tampering situations. One was where someone put pennies in a meter in an elderly ladies home and obviously that lady didn't do it. My only concern is that we are fixing to make a decision on the General Terms and Conditions and I don't think it is the right thing to do. I understand Ms. Bell's predicament and I feel like she is injured because it is no fault of hers. But, I do think that whatever we do, we need to have the General Terms and Conditions clear so that there is no gray area, because it is not fair to the customer and it is not fair to DPU to try to administer Terms and Conditions that are not clear cut.

Councilmember Jernigan asked, "Can we separate these two items. Can we separate the situation with Ms. Bell and then the situation with the General Terms and Conditions later and clear that up. In other words, can we do this as two separate items?"

City Attorney Walsh stated, "You could, but I wouldn't recommend that. The preference would be that she pay the \$200.00 and once we reviewed the Terms and Conditions, that money would give her the services and then if the Terms are amended, then this could be refunded."

Mayor Pro Tem Haire stated, "I hear what the attorney is saying as it relates to clearing it up, but in your own opinion, that is not saying what is being said. The General Terms and Conditions doesn't spell out to say if a landlord rents or has property where the renter tampers with the services, it would be incumbent upon the landlord until we can catch up with who did the tampering, it does not say that in the General Terms."

City Attorney Walsh responded, "We and the municipal utilities are not governed by the Public Service Commission, it is very important that we don't want to be governed by them. We serve customers outside of the City by contract only. We don't have to serve anybody outside the city; therefore, we leave it up to the manager if they are not covered by the General Terms and Conditions. This item is not covered by the General Terms and Conditions, the manager would decide if he would provide service or not. It has been a long term policy in this situation that we would not provide service unless the new customer would pay the \$230.00 to have the service restored. I think it would be more advisable for her to put up the \$200.00 and we do a full review of the General Terms and Conditions and if we find if we want to change the General Terms and Conditions which prevents the manager from handling this situation; she would then be refunded."

Mayor Pro Tem Haire stated, "Council has the right even though there has been a ruling by the Director. We have a right to make an interpretation because there is nothing in the General Terms that addresses this. If there is an interpretation on the part of the Director, Council has the obligation to make it correct and not put pressure or inconvenience on the customer. Asking them to pay the \$200.00 is unfair. Once, if Council makes a decision, then let the party refund, I don't see it and don't agree with it."

Councilmember Barnwell asked, "Are we establishing bad precedent and will it come back to haunt us?"

Councilmember Rheney stated, "What I'd like to see done is to deal with Ms. Bell's situation tonight and study the Terms and Conditions later, I think we need to deal with Ms. Bell's situation."

Councilmember Barnwell asked, "Are the other two situations similar to this?"

DPU Manager Boatwright responded, "In some ways, yes sir, and in some ways, no sir. One situation the utilities were in the landlord's name which makes it an entirely different situation; although the landlord didn't do the tampering. I would like to point out that this goes on weekly and is not a rare occurrence."

Ms Bell asked DPU Manager Boatwright, "At what point did I have a contract with you?"

DPU Manager Boatwright responded, "You don't yet and won't until you have your services connected."

Councilmember Knotts asked DPU Manager Boatwright, "Is Ms. Bell not a DPU customer?"

DPU Manager Boatwright responded, "Yes, she is at another premise."

Councilmember Knotts stated, "I am referring to the property in question at Sunny Drive?"

DPU Manager Boatwright stated, "No, not at that residence. I did allow the power to be turned on temporarily for her to inspect, but it was discontinued until the fees are paid."

Councilmember Knotts asked, "You allowed her to go in and inspect, if you have to put a cost or estimate on that, what would it cost? I am trying to make a determination if that would equal the \$230.00."

DPU Manager Boatwright stated, "No, it does not."

Councilmember Miller commented, "Our Terms and Conditions have a lot of gray areas and I don't like to see the consumers penalized as it relates to it. I really think it needs to be re-evaluated and I think if we are owed the money, then at that time, we collect the money, and the penalty is not hers."

Councilmember Rheney asked, "Do you think that the Terms and Conditions need to be revised? I don't think that it is something we can do tonight."

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DPU Manager Boatwright stated, "If this is a change that Council wants to make, then yes, it needs to be revised."

Councilmember Barnwell stated, "I think that Attorney Walsh's suggestion was a good one."

Mayor Miller responded, "I am hesitant about making a change to the Terms and Conditions as it relates to DPU without having a lot more discussion and input on it. I would be in favor of making some type of arrangement with Ms. Bell until we can come to some conclusion about this and until we can make some changes in the Terms and Conditions. I am reluctant to vote to change the Terms and Conditions."

Mayor Pro Tem Haire asked, "What changes are we making, we are clarifying."

Mayor Miller responded, "I think you are making a change in tampering."

Mayor Pro Tem Haire stated, "No, she didn't tamper, so it would not be anything that she has done, the tampering is still there and is not being changed."

Councilmember Barnwell asked, "What is wrong with the process of what Attorney Walsh said and evaluating the situation and determine when she pays the \$230.00 and then reimburse her after we discuss this situation. I am concerned we are taking an isolated incident and using it to modify or alter the existing Terms and Conditions that we gave Mr. Boatwright to abide by."

Councilmember Miller, "I think this is going to start an influx of other people having the same concerns. What are we going to do, put them on the back burner and make arrangements with them until we modify the Terms and Conditions?"

Councilmember Barnwell, "I would hope we would rectify the situation and not wait five years to do it. Are you living in the residence?"

Ms. Bell replied, "No, but I have a buyer for the property."

City Attorney Walsh asked, "Are the Terms adopted by Resolution or Ordinance?"

DPU Manager Boatwright responded, "Ordinance."

Mayor Miller asked, "We can't change them without an Ordinance, is that correct?"

City Attorney Walsh stated, "We can do a Pending Ordinance."

Mayor Pro Tem Haire asked, "Are we changing anything?"

City Attorney Walsh stated, "Yes, you are amending the General Terms and Conditions; because the manager is making the decisions except for what is set forth in the General Terms and Conditions. You are now telling him what to do in this situation under the General Terms and Conditions."

Mayor Miller stated, "We are making a decision on the General Terms and Conditions and that concerns me."

Councilmember Jernigan asked, "Does this mean if we did this, that everyone who has a case similar to this, they would have to come before us or would we give Mr. Boatwright the direction?"

City Attorney Walsh stated, "No, he would know what to do, he would charge the standard fee of \$30.00."

Councilmember Jernigan asked, "The person who did the tampering would then be responsible for paying the bill and DPU could not go against the landlord or land owner in that case."

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City Attorney Walsh stated, "That is what the motion is."

Councilmember Jernigan asked, "If that was what the motion was? Is there a problem with it legally?"

City Attorney Walsh stated, "You are giving the manager direction on how to handle a situation on the General Terms and Conditions."

Councilmember Jernigan asked, "Isn't that what the General Terms and Conditions are for, to give him direction?"

Mayor Pro Tem Haire stated, "For the record, the other cases, I don't recall the people, I think a Ms. Rivers had the same problem and I just want to enter that for the record."

Councilmember Rheney stated, "Oh goodness, I'd love to hear that motion again."

Mayor Pro Tem Haire stated and the Clerk reiterated the motion, "The costs that Ms. Bell be asked to pay be rescinded to \$30.00 to restore her service and that anyone else in the same situation be governed by the same provision." This motion was seconded by Councilmember Miller.

City Attorney Walsh stated, "I want you to understand the motion you just made would only apply to Ms. Bell."

Mayor Pro Tem Haire stated, "No, it was stated any similar situation would also apply. If I have to spell it out I will. If any individuals are asked to pay for line disconnections who did not have a contract with DPU but who is the owner of said premise and is being asked to pay for line connection and other fees, that they only pay the line connection fee of \$30.00."

The vote was 4-3 with Councilmembers Barnwell, Rheney and Mayor Miller opposing the motion.

Mr. Thomas Harrison, Board Member of the Samaritan House addressed Council thanking them for the City funds to match a grant. With the City's help with the grant, the Samaritan House was able to purchase a van, hire a driver to transport forty residents, hire a social worker and give the Samaritan House a sense of permanence. That led them to a second grant to purchase its rented building and then to a third grant for renovations and to bring the building up to code. Mr. Harrison congratulated the City on its fairness and thanked them personally and from the Board for their generous donation.

City Administrator Yow advised Council that at the September 21st meeting, a representative of Healing Species was present and she was advised to provide information pertaining to the organization and request. They provided the information. The request for funding is now on the agenda for consideration. A representative of Healing Species, Ms. Cheri Thompson is here to address Council.

Mrs. Thompson stated, "Healing Species is requesting funding from the City. A question you may have is, why is character education violence prevention needed in Orangeburg? How does Healing Species fit into that and why should you have to pay for it? Hopefully, I can help answer some of those questions."

Ms. Thompson stated, "Domestic violence can be intercepted before it is learned, if we can reach our children. A small percentage of resources devoted to prevention is the key to salvaging our society. Even children that have never been nurtured can be nurtured if we can prevent that cycle of violence. By teaching children of having a merciful heart, we can save their future. Orangeburg School District Five is one of the poorest districts in South Carolina and it is one that nearly 75% to 85% of the students are on the free or reduced lunch program. All of the schools that the Healing Species serve are Title I Schools. We all know that poverty can begin crime. I know what some of these children go home to and some of you may know. I see them every day, they go home to older siblings who may have a gun. They go home to crime in the neighborhood. We are proven to get results. No other program can get the results that we show. On an average, 85% of

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the students have improved behavior, that includes less bullying, walking away from a bully, taking initiative to help others, improved concentration, and plus improved academics. Debbie Ott, Guidance Counselor from Clark Middle School, gave us her statistics and she states that 40% of the students show a reduction in discipline once they go through the program. Students also go through the program to raise their standardized test scores. We are endorsed by the Department of Education and our schools don't have the funding to endorse our programs. Everywhere else we go, they go to their City Councils, Co-Ops, and seek school district grant money. We have been unable to tap into any resources here. We are working closely with them and we are in a stop gap emergency measure so that we can continue service. We serve almost every other district in South Carolina and they pay us. We have served Orangeburg for four years and we haven't received a dime, except for \$500.00 from one teacher who wrote a grant. It would be a tragedy to have a premier education program, that is being invited to come to other cities and states, for the City, in which we were founded, to pay a nominal fee to sustain us in this stop-gap emergency measure. The future of these children rest in your hands. I have served here for four years and I take no salary and will take no salary or expenses. I have a staff of five that need to be paid. We go into Orangeburg five days a week. I think it would be a great testament to put your support in your initiative in Community of Character."

Mrs. Jane Shuler, the Guidance Counselor at Mellichamp addressed Council on behalf of Healing Species. "I told Cheri that all of these stats are great and I know that this program works, but if we say we are a Community of Character, then our City should support such a program that supports the Community of Character. Mellichamp is a wonderful school, but you know we are 95% free and reduced lunch. We had a little girl who was sexually abused and because of this program she told someone. I can tell you as an experience Guidance Counselor, this is the best program I have ever seen. I can tell you that the children that experience this program have a much better understanding to give your heart, not be an abuser and be a successful person."

Councilmember Miller stated, "There are five employees?"

Ms. Thompson stated, "Yes."

Councilmember Miller stated, "Sixty-five percent to seventy-five percent of the students that attend District Five are minorities."

Ms. Thompson replied, "That's correct."

Councilmember Miller continued, "It might be a little higher, correct?"

Ms. Thompson replied, "Correct."

Councilmember Barnwell asked, "Why is it that School District Five hasn't put forth an effort to try and get some type of grant or funding?"

Ms. Thompson responded, "I can answer that, it takes an exorbitant amount of resources to write a government grant and the rich districts have the personnel and the poor districts don't have the personnel. That's why it's going to take time for us to work collaboratively with them and it is going to be an ongoing process to make that happen."

Councilmember Barnwell responded, "Basically without giving government support to what we have before us tonight, without the City's funding we would have to withdraw some of those four schools that are essentially in the city limits."

Mayor Miller stated, "They're not all in the city limits of Orangeburg. Nix is not, and the alternative school, but Clark and Mellichamp are. The reason I asked, it was on the Healing Species client list from 2004 into 2005, you listed Howard, Nix, Clark, and Mellichamp, and Howard and Nix are not in the City."

Councilmember Rheney asked, "YMCA is closed, hasn't it?"

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Ms. Thompson stated, "They're operating out of Marshall Elementary School right now."

Councilmember Rheney stated, "I enjoyed your presentation, but have you stood before School District Five and their trustees and gave this same presentation?"

Ms. Thompson replied, "Yes, I absolutely have had an opportunity to work extensively with Mrs. Clark, she is the head of all grant disbursements."

Councilmember Rheney stated, "And you said this is endorsed by the Education Department of South Carolina and they still turned you down?"

Ms. Thompson stated, "They didn't turn me down. They were like we love you, we want you, we're trying, but it was like, how are we going to get there?"

Councilmember Rheney asked, "Your referrals, are from the counselors or the teachers, or do you take a whole classroom of children?"

Ms. Thompson stated, "Yes, we take the entire classes. We serve almost 300 sixth graders at Clark Middle School in small classroom sizes, so that is why we are there so much and then we do the same thing at Mellichamp. That is why this program is so effective, we only work in small groups, but we don't pick and choose, the whole grade gets the service."

Councilmember Rheney asked, "This is twelve weeks of training?"

Ms. Thompson stated, "Yes, but it is actually close to 14 weeks."

Councilmember Rheney asked, "Do you follow up after the classes are over?"

Ms. Jane Shuler stated, "Yes, we follow up in guidance lessons and I see them every day and know what the program does and has done."

Councilmember Rheney asked, "So you don't just give them this program and then drop them?"

Ms. Thompson stated, "No, once they go into the next grade, we do a four lesson follow up also."

Councilmember Rheney asked, "In the future, do you think that School District Five will help in funding?"

Ms. Thompson stated, "Yes."

Councilmember Jernigan asked, "What position has County Council taken on this?"

Ms. Thompson replied, "Right now, the schools that are receiving the benefits, that are not paying, are in the City besides Nix and that will be the next issue to address."

Mayor Miller asked, "It looks like you did a good job in getting us the right information and I was looking at this information where you wrote Healing Species City Council Proposal, all of the school districts pay, except Orangeburg, which you just stated, then you state that Lexington School District One secured funding from City council, who is that?"

Ms. Thompson stated, "The rich districts like Lexington, brought us on last year as a pilot program for \$13,000. They were so moved that this year they re-contracted with us for \$51,000 because they wanted us to add two more classes. The Lexington school administrative staff solicit funds on our behalf, we don't have to, they go to their City Councils, co-ops, private businesses and solicit funding opportunities."

Mayor Miller asked, "Has Lexington City Council given you money?"

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Ms. Thompson stated, "We have talked with Julie Shealy, who is a Guidance Counselor at Gilbert Elementary, and according to her that was one of the additions. All I know is that they got the money and I never got an itemized break down of who gave the money."

Mayor Miller asked, "You say here that City Council funded it, did Lexington actually fund you?"

Ms. Thompson replied, "My understanding is that they are participants. I did not get into all the details of the nuts and bolts, but my understanding is that Lexington City Council participated as a supporter."

Councilmember Rheney stated, "It almost defines it as being funded City Co-ops including public utilities, city cables, community banks, and corporate donations, and additional funding which came up to the \$51,000."

Ms. Thompson stated, "That would have required the City Council to approve."

Mayor Miller stated, "I don't know what their utility structure is in Lexington. I don't know who serves them. I don't know anything about the Lexington organization. My question was does their City Council appropriate funding from the Town of Lexington to Healing Species?"

Ms. Thompson stated, "I probably haven't answered it, I probably don't know."

Mayor Miller stated, "You stated that you applied for the Safe and Drug-Free Grant through Orangeburg Consolidated Five. I think somewhere, I read where that was one of the grants that was available in the state, that and one other grant. Is it because they can't provide a grant writer for this grant. What is the status of that?"

Ms. Thompson stated, "Safe and Drug-Free money. That is one of the issues that Cindy Clark and I are working closely on. That would be her main resource to tap into, to be able to fund this program, because this program qualifies under Safe and Drug-Free money. That grant, from what I understand, it has to be turned in by the district office. I can't go and apply for it, and it's one of those things that's going to take a continued collaboratively effort with her to make that happen. I do see it happening though in the future."

Councilmember Rheney asked, "Is there a grant writer available through the Education Department of South Carolina?"

Ms. Thompson stated, "No, each district is responsible for going and getting their own."

Councilmember Rheney asked, "You said that you only had five employees and I know it's spreading you thin, but do you actually train or will you be training people in Lexington to do the Healing Species program or is it you, your group and your dogs? I just don't see how you can serve so many."

Ms. Thompson stated, "We burn the midnight oil and we work constantly."

Councilmember Rheney asked, "Are you constantly training some other people to help you? Maybe they will have a group in Lexington to help you, or is this up to you?"

Ms. Thompson stated, "It's up to me to pay these people to come and learn how to do it and go on."

Councilmember Jernigan asked, "Is this program offered to the public school system?"

Ms. Thompson stated, "We don't limit, we try to prioritize service. We try to prioritize to the schools that do reflect the greatest need. I will tell you that the rich districts are catching on and they are dangling that carrot. These girls have got to get paid. So, that is the excruciating decision."

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Councilmember Barnwell stated, "I just think that anything we can do that enhances or gives a child, whether it be within the City, out of the City, or in the general City of Orangeburg radius, the absence of crime in the environment and not participate in crime, anything Healing Species does, or any organization which enhances test scores, lack of crime, or anything of that nature, is a plus for us in trying to bring jobs and industries to Orangeburg. These companies are coming here looking for that and I think that this is certainly a very worthwhile organization."

Councilmember Miller stated, "I love this program. Lexington and Orangeburg are two different districts, and I think this is just a comment, you should reflect some of the staff members as it relates to the minority."

Mayor Miller asked, "Ms. Thompson tell me again what you are asking for?"

Ms. Thompson stated, "Fifteen thousand dollars over two years."

Mayor Miller asked, "You're asking for a total of \$15,000 over two years, not \$30,000?"

Ms. Thompson said, "Correct."

A motion was made by Mayor Pro Tem Haire to grant the request from Healing Species of \$15,000 over two years, seconded by Councilmember Barnwell. The vote was 7-0, unanimous.

Councilmember Rheney stated, "I don't know if it would mean very much, but I'd like to see a letter addressed to the State Department of Education with a copy of it to School District Five, and maybe even School District Three, that would encourage them to fund this program from our City Council."

Councilmember Barnwell stated, "I would too and I think, I can only speak for myself. It would be a good idea for all of us to contact the officials, be it Cindy Clark or Melvin Crum or any of them to see if we can assist the organization in getting funding. I mean, it's obviously out there, it's just getting a grant writer to do the paperwork."

Mayor Miller stated, "If there is something that this Council can do to help with the District Office on Ellis Avenue, then as Mr. Barnwell stated, I think we should attempt to encourage them to see if they can't find you funding because this is a program that is involving children."

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance to modify the Loan Agreement with Branch Banking and Trust. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to approve the First Reading of an Ordinance Amending the Business License Ordinance Provisions for Insurance Companies and for Brokers for Non-Admitted Fire and Casualty Insurers. This motion was unanimously approved.

City Administrator Yow briefed Council on the purchase of sixty-five (65) golf carts at Hillcrest Golf Course for the total of \$65,940 through an earlier negotiated price at a total of \$2,676.00 each, instead of \$3,100.00. A motion was made by Mayor Pro Tem Haire to approve this recommendation of purchasing the golf carts for \$65,940.00, seconded by Councilmember Rheney, the vote was unanimous.

Councilmember Barnwell asked City Administrator Yow, "I've been thinking about this. As of tonight, we have approved funding for three organizations. Where is that money coming from?"

City Administrator Yow stated, "We are putting a new line item in the non-departmental budget. You know that the City Budget has several departments. One section has non-departmental sections, i.e., unemployment insurance, and several items that don't fall in any particular department. So, what I instructed Mrs. Johnson to do is to add a line item to that non-departmental

budget to show those particular organizations. In other words, I am not burying, for lack of a better word, putting them in some non-descript line item that we cannot historically refer to see where the actual funds come from. What we will do is monitor the revenues and expenses to see where we will have to pull these funds from when we do a Budget Ordinance Amendment. Some items may cost less in this budget year and some may cost more, ultimately if the Budget does not balance, City Council would have to pull it from the fund balance.”

Councilmember Barnwell asked, “It is coming from the general operating budget?”

City Administrator Yow stated, “Yes.”

Councilmember Barnwell stated, “I am little concerned that next week someone else may be on the agenda. I think it would be in order for this fiscal year ending September 2005, that we do not fund anything else for this fiscal year because I can see a potential impact on millage and increase of taxes and fees if we continue at this rate. Of all the organizations funded, all or at least a majority of Council was in agreement with.”

A motion was made by Councilmember Barnwell that the City does not fund any other organization in this City Fiscal Year ending September, 2005, seconded by Councilmember Jernigan.

Mayor Pro Tem Haire stated, “I don’t like to say that I told you so, but now it is almost too late, as much as these organizations are good, there are others out there that have the same kind of worth and usefulness as it relates to the society. I was fearful that this would happen. Now, to say that, we are not going to do anymore is wrong. The majority of Council always believed that it was based on merit. We have created this monster and I don’t see us ending this by what you are saying. The reason I say this, there were organizations that expressed interest in the past and requested City funds and they were not looked upon favorably by City Council. I don’t have the answer, but I don’t think this is the solution.”

Councilmember Miller stated, “I told you so, but I am agreeing with Mayor ProTem Haire, we have opened up a revolving door that we cannot just stop right now and I know that the City Administrator has had probably numerous requests, but for us to make a hasty decision, at this point in time is not fair. I would not be in agreement with ceasing all actions without looking at the merits of each organization. I think that if this body should pass this recommendation, I think that it is not fair.”

Councilmember Jernigan stated, “I agree that we should have never started this, but the fact remains that we did start it and it doesn’t mean that we have to continue to shell out money and somewhere down the line we are going to run out of money, but you can’t continue to shell it out. The motion was not to cut it off, but to cut it off this year. We can take it up again next year and look at some of the funding requests that come in next year. We are not to long in starting a budget cycle when you get down to it. I feel like we can’t burden the taxpayers of the City of Orangeburg with more donations than we can put out.”

Councilmember Rheney stated, “When City Administrator Yow brings us a balanced budget, we vote on it, but I feel like we can’t burden the City Administrator anymore in looking for money for funding programs. I think we should take a look at this once a year and these requests should come in before our budget year.”

Councilmember Barnwell stated, “I am not wanting to create another monster. I am just concerned about this year. For the next fiscal year, maybe we should create a fund and let people have a cut off date, May 1st, to give the City Administrator and us time to look at the budget. We can still take each organization on its merits and I am concerned about this budget. If we continue, we will be looking to a tax increase for our citizens. Nationwide, we are seeing increased prices and times are not great. For this year, I think we need to be careful.”

Councilmember Miller stated, "I feel like this is a special interest organization. If we are going to select the groups for funding a large sum of money, that will deplete whatever other organizations may have wanted, is selfish and inconsiderate and that should have never started this."

Mayor Miller asked Councilmember Miller, "Clarify, what do you mean by special interest?"

Councilmember Miller stated, "Samaritan House is a special interest."

Councilmember Barnwell stated, "All of them are special interest."

Mayor Pro Tem Haire stated, "I would remind Council that there is other funding available."

Councilmember Miller stated, "I know two other organizations that approached the City, CASA and Positeen. I believe that they are getting the paperwork in order to receive funding from the City, since we have opened up this great flood. So they both have requested initially prior to us giving money to any entities. If we are going to close the doors, we should look at the merits of these organizations before we decide to stop funding anyone else."

Councilmember Barnwell asked City Attorney Walsh, "Is it true, based on what you know, that we cannot technically and legally, cannot fund Positeen?"

City Attorney Walsh stated, "As it is presently structured, No."

Councilmember Knotts stated, "We have done what we have done. How do we go back and undo what we have done, we can't do it. Given the sign of the times, there are going to be situations that are unsuspecting of the persons or tragedies that it affects and it will also have impact on us as well. My contingent is this should be done on a case-by-case basis. If we have some monies that will not cause any kind of situation for the City as a whole, as these situations occur we need to look at them on a case-by-case basis."

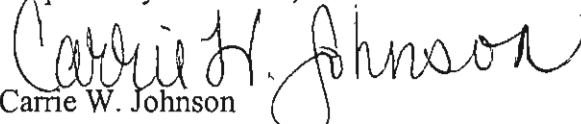
The vote was 4-3, with Mayor Pro Tem Haire and Councilmembers Miller and Knotts opposing.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve a Resolution accepting the the low responsible bid of \$1,284,826 from Summerfield Associates, Inc., of West Columbia, SC, for Phases II and III of renovations to the Administrative Building of the Department of Public Utilities. This motion was unanimously approved.

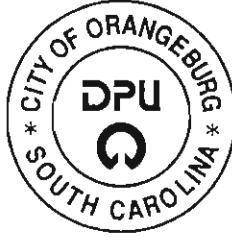
A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to enter into an Executive Session for a Contractual Matter for discussion on purchase of real property. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
Assistant City Clerk





RESOLUTION

A RESOLUTION FOR THE CITY OF ORANGEBURG, DEPARTMENT OF PUBLIC UTILITIES TO ACCEPT THE LOW RESPONSIBLE BID BY SUMMERFIELD ASSOCIATES, INC. OF WEST COLUMBIA, SOUTH CAROLINA IN THE AMOUNT OF \$1,284,826.00 FOR PHASES II AND III OF RENOVATIONS TO THE ADMINISTRATIVE BUILDING, OF THE DEPARTMENT OF PUBLIC UTILITIES

WHEREAS, the Department of Public Utilities of the City of Orangeburg, South Carolina, received bids on September 1, 2004, for phases II and III of renovations to the Administrative Building, of the Department of Public Utilities

WHEREAS, the low responsible bid for this work was submitted by Summerfield Associates, Inc. of West Columbia, South Carolina in the amount of \$1,284,826.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Members of Council of the City of Orangeburg, in Council assembled, and by authority of the same, that the low responsible bid shown above be accepted; and

BE IT FURTHER RESOLVED, that Fred H. Boatwright, Manager of the Department of Public Utilities, be authorized and he is hereby directed to execute the contract documents on behalf of the Department of Public Utilities of the City of Orangeburg.

RESOLVED BY City Council duly assembled this 19th day of October 2004.



Paula A. Miller
MAYOR

Edward Haire
Sandra P. Krotts

Charles B. Bantel
Travis A. Miller

Chris Dyer

Joseph W. Phares
MEMBERS OF COUNCIL

ATTEST: (

Carrie H. Johnson
CITY CLERK

CITY COUNCIL MINUTES NOVEMBER 2, 2004

Orangeburg City Council held its regularly scheduled meeting on Tuesday, November 2, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Roger D. Brant, Director of the Service Department.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell, Jr.
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Joyce W. Rheney

ABSENT:

Trelvis A. Miller

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the October 19, 2004, City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller presented to Parks and Recreation Director Buster Smith, Department of Public Utilities Manager Fred Boatwright and Department of Public Safety Director Wendell Davis, with an award for the Children's Garden Christmas and Kid's Walk being selected as one of the Southeast Tourism Society's Top Twenty Events. Mayor Miller congratulated them all as a collaborative effort in this regard.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance Amending the Business License Ordinance Provisions for Insurance Companies and for Brokers for Non-Admitted Fire and Casualty Insurers. This motion was unanimously approved.

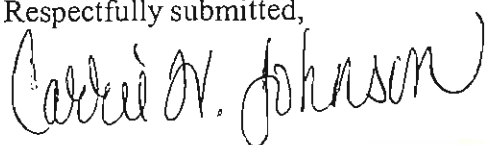
Mayor Miller presented the Proclamation for the Character Trait for the month of November 2004, Gratitude, to Mr. Ron Turnblad.

There were no utility matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to adjourn. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb



CITY COUNCIL MINUTES NOVEMBER 16, 2004

Orangeburg City Council held a Public Hearing on Tuesday, November 16, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was to change the zoning from A-2 Residential Multi-Unit District to Office-Institutional-Residential District, property of Decania Dowling, Norman E. Dowling and Mary E. Watts.

An invocation was given by Roger D. Brant, Director of the Service Department.

Mayor Miller opened the Public Hearing.

Assistant City Administrator Harley addressed Council on the property at 1530 Amelia Street proposing to change the zoning from A-2 Residential to Office-Institutional-Residential District. He advised Council that this has been approved by the Planning Commission.

The Public Hearing was opened to any questions.

Councilmember Miller asked, "Is the house or structure going to be cleared?"

Assistant City Administrator Harley replied, "There is a house there and Mr. Dowling can answer any questions."

Mr. Decania Dowling addressed Council, "It is simple, my brother, sister and I own this property that was my grandfathers home and since it is across from the County Administrative Building, we think it may be more valuable to convert it to some type of office space or business, so we are trying to get the zoning changed so some potential buyer will know that this can be done. The house is being sold."

City Administrator Yow stated, "From a zoning perspective if Council rezoned it, the next buyer could use that house as an office or could possibly build a new office and remove the current house. The use would be Office-Institutional so it could be a new building or an existing one."

Assistant City Administrator Harley stated, "The Office-Institutional-Residential District is one of the districts that allows both residential and office use, it is also a transitional zone in our land use and zoning."

Mayor Pro Tem Haire asked Mr. Dowling, "I understand that you are presently living at that residence and you have some other place to live. If you were to stay there, what would be your position, as it relates to the neighbors, if this was changed to Office-Institutional-Residential?"

Mr. Dowling replied, "One of the neighbors owns a vacant lot and he thought it was already zoned commercial and he was surprised to find it wasn't. He thought he could put a building there. On the other side, there is someone from New York whose wife has relatives in Orangeburg and they stay there sometimes. It wouldn't be like I was putting a hardware store there. If it was a lawyer's office, I don't think it would bother them at all, I haven't seen them."

Mayor Miller asked, "Isn't there a lawyers office on the property further down, a doctor's office and further down the other side is a residential home and an insurance agency?"

Councilmember Jernigan asked, "How old is the house?"

Mr. Dowling replied, "It was built in 1918."

Councilmember Miller asked, "The neighbor to the right of you, have you discussed the potential zoning change with them?"

Mr. Dowling replied, "No, I haven't."

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Councilmember Miller stated, "I know that there is a little old lady that stays there on your right side."

Mr. Dowling replied, "No one stays there all of the time."

Councilmember Miller stated, "Someone stays there and I think they are disabled."

Mr. Dowling stated, "The lights are never on."

Councilmember Barnwell stated, "I understand that this will not be spot zoning."

Assistant City Administrator Harley stated, "Yes, it will not be spot zoning"

Councilmember Rheney asked, "Wouldn't the owners of 120 and 123 have to request the change before we do this?"

Assistant City Administrator Harley stated, "Actually, City Council can initiate that change and they would have to be notified to the rezoning."

Councilmember Miller stated, "I have a concern. I don't know if I am correct, but if we change this particular property and take the other pieces under advisement, would this set precedence that the others would be rezoned as Office-Institutional and would they be pushed into Office-Institutional. I am concerned about the older lady living in the house having to find another place of residence."

City Administrator Yow stated, "She could stay there as a residential use. We are preparing to go into a new study of the Comprehensive Plan, which includes the land use and zoning, and it would not surprise me that the consultant would recommend this zoning change."

Councilmember Miller asked, "What about the traffic flow, wouldn't this increase the traffic flow next door to this lady's house? I suggest that you speak with the owners next to you and find out what their feelings are."

Assistant City Administrator Harley stated, "There are four pieces of property and all the others surrounding it are Office-Institutional."

Mayor Miller asked, "Everything in the area is either Office-Institutional or Business-Commercial?"

Assistant City Administrator Harley stated, "Yes."

Councilmember Barnwell asked, "The older lady, does she own the house?"

Councilmember Miller stated, "I think that the relatives own the house."

Councilmember Miller reiterated, "I think you need to speak to the surrounding property owners."

Mayor Miller asked, "Is there anyone else that would like to speak at the Public Hearing? If not, we will close the Public Hearing and go into our regular scheduled City Council Meeting."

PRESENT:

Paul A. Miller, Mayor

Charles B. Barnwell, Jr.

Bernard Haire

Charles W. Jernigan

Sandra P. Knotts

Trelvis A. Miller

Joyce W. Rheney

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A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the November 2, 2004, City Council Minutes as distributed. This was a 5-1-1 vote as Councilmember Knotts abstained and Mayor Pro Tem Haire against the motion.

Mrs. Bernice Tribble, DORA Manager, presented to Mayor Miller the 2004 Community Builder's Public Improvement Award for the City's new Water Spray Park.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance Amending the Business License Ordinance Provisions for the Insurance Companies and for Brokers for Non-Admitted Fire and Casualty Insurers. This motion was unanimously approved.

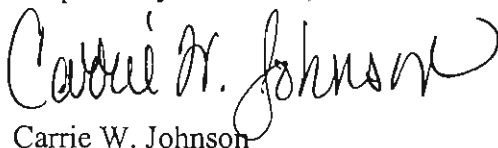
A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance to change Property from A-2 Residential Multi-Unit District to Office-Institutional-Residential District, property of Decania Dowling, Norman E. Dowling and Mary E. Watts. The motion passed 6-0-1 vote with Councilmember Knotts abstaining.

There were no matters pertaining to the Department of Public Utilities.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to enter into an Executive Session for a legal matter concerning the Chamber of Commerce. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
City Clerk

/pfb





RESOLUTION

WHEREAS, Ted M. Johnson, Jr. has long and efficiently served the City of Orangeburg having become associated with the Department of Public Utilities on February 6, 1961 as Superintendent of the Electric Division. He was made Manager of the Department of Public Utilities on October 1, 1977 and remained in that position until his retirement on June 30, 1993; and

WHEREAS, the City of Orangeburg is deeply indebted to Mr. Johnson for the development and management of the Department of Public Utilities of the City; and

WHEREAS, Mr. Johnson has by his untiring efforts and devotion to duty been largely responsible for the provision of service of utilities to the greater Orangeburg area.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Members of Council of the City of Orangeburg, in Council assembled and by authority of same;

That the City of Orangeburg, in grateful appreciation of his services, and as token of respect for him as a zealous Manager of the Department of Public Utilities of the City, names the Department of Public Utilities North Road Generator Plant the

“Ted M. Johnson, Jr. Generating Facility”

BE IT FURTHER RESOLVED that, by copy of this Resolution, Mr. Johnson be formally advised of the high esteem in which he is held by the Council, and be assured of the lasting appreciation of his valuable services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this 1st day of December, 2004.



Paul G. Miller

Mayor

Joseph W. Rheney

Charles D. Dyer

Charles B. Brundage

Sandra L. Harris

Samuel Harris

Charles A. Miller

Members of Council

ATTEST:

Carrie M. Johnson

City Clerk

THE SCHEDULED CITY
COUNCIL MEETING
FOR TUESDAY,
DECEMBER 21, 2004,
WAS CANCELED. THE
NEXT REGULARLY
SCHEDULED CITY
COUNCIL MEETING
WILL BE HELD ON
TUESDAY, JANUARY 4,
2005.

CITY COUNCIL MINUTES DECEMBER 7, 2004

Orangeburg City Council held its regularly scheduled City Council meeting on Tuesday, December 7, 2004, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Roger Brant, Director of the Service Department.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell, Jr.
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the November 16, 2004, City Council Minutes as corrected. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance to change Property from A-2 Residential Multi-Unit District to Office-Institutional-Residential District, property of Decania Dowling, Norman E. Dowling and Mary E. Watts. The motion passed 5-2, with Councilmember Miller and Mayor Pro Tem Haire voting against.

Mr. David Coleman, Orangeburg County Chamber of Commerce President, accepted a Proclamation for December Character Trait, "Kindness".

City Administrator John Yow presented to Council an Ordinance authorizing the mortgage of two and sixty-nine hundredths (2.69) acres, with buildings and other improvements thereon, to Orangeburg National Bank in the principal sum of five hundred thousand (\$500,000) dollars. The City owns the real property and the building that the Chamber is constructing. The said premises are under lease to the Orangeburg County Chamber of Commerce for a term of fifteen (15) years commencing on the first day of August 2003. The Chamber is requesting that the land and buildings and other improvements thereon be used as collateral for a loan from Orangeburg National Bank in the amount of five hundred thousand dollars (\$500,000) with a maturity date of three (3) years from its inception date."

Chamber President Coleman stated, "The general plan is that the loan will be written for one bank, but it is a joint project with all four banks in town."

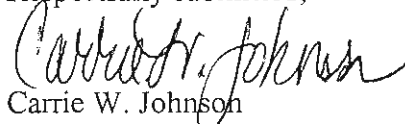
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance authorizing the mortgage of two and sixty-nine hundredths (2.69) acres, with buildings and other improvements thereon, to Orangeburg National Bank in the principal sum of five hundred thousand (\$500,000) dollars. This motion was unanimously approved.

There were no matters pertaining to the Department of Public Utilities.

A motion was made by Councilmember Knotts, seconded by Councilmember Barnwell, to adjourn the meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
City Clerk





RESOLUTION OF CITY OF ORANGEBURG

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE, AND ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

BE IT RESOLVED by the governing body of the City of Orangeburg (the "Lessee"), at a duly called meeting of the governing body held on January 4, 2005, the following resolution was introduced and adopted:

RESOLVED, whereas the governing body of Lessee has determined that a true and very real need exists for the acquisition of Various Equipment as described in the Request for Proposal (the "Equipment"), the Lessee desires to finance the Equipment, in the amount of \$ 553,965 at 2.59% for three (3) years, by entering into an Equipment Lease Purchase Agreement with South Carolina Bank and Trust as Lessor and the City of Orangeburg as Lessee (the "Agreement") according to the terms set forth in the Bid Proposal from South Carolina Bank and Trust, presented at the board meeting; and the Equipment will be used by the Lessee for the following purpose: To provide new and cost efficient equipment for the operation of City government.

RESOLVED, whereas the governing body of Lessee has taken the necessary steps including any legal bidding requirements, under applicable law to arrange for the acquisition of such equipment.

RESOLVED, whereas the governing body hereby directs its legal counsel to review the Agreement and negotiate appropriate modifications to said Agreement so as to assure compliance with state law and local statutory law, prior to execution of the Agreement by those persons so authorized by the governing body for such purpose.

BE IT RESOLVED, by the governing body of the lessee that:

The terms of said Agreement are in the best interests of Lessee for the acquisition of such Equipment and the governing body of Lessee designates and confirms the following person(s) to execute and deliver, and to witness (or attest), respectively, the Agreement and any related documents necessary to the consummation of the transactions contemplated by the Agreement.

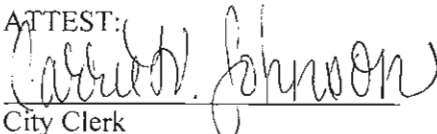
Name and Title of Person(s) to Execute Agreement:


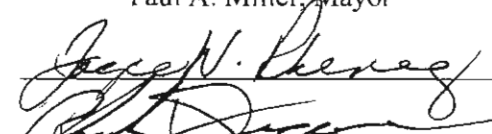

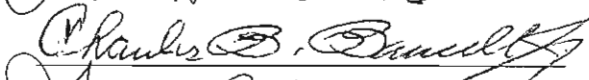
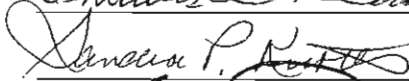
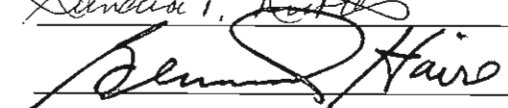
John H. Yow, City Administrator

RESOLVED, the Lessee covenants that it will perform all acts within its power which are or may be necessary to insure that the interest portion of the Rental Payments coming due under the Agreement will at all times remain exempt from federal income taxation under the laws and regulations of the United States of America as presently enacted and construed or as hereafter amended. The Lessee hereby certifies that it has not issued or effected the issuance of, and reasonably anticipates that it shall not issue or effect the issuance of more than ten million dollars (10,000,000.00) of tax-exempt obligations during the calendar year, and hereby designates the Agreement as a "qualified tax exempt obligation", as defined by Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the above and foregoing Agreement is the same as presented at said meeting of the governing body of Lessee.



ATTEST:

City Clerk


Paul A. Miller, Mayor








City of Orangeburg

P. O. DRAWER 387
ORANGEBURG, SOUTH CAROLINA 29116-0387
803-533-6000 Fax: 803- 533-6007

TO: John H. Yow, City Administrator
RE: Capital Equipment Lease Purchase FY 2004-2005 Bid Tabulations

Please find below the bids received on December 1, 2004
Bids are as follows:

South Carolina Bank and Trust	2.59 (low bidder)
First Citizens	2.907
BB&T	2.91
Bank of America	3.459
Orangeburg National	4.44
CalFirst Government/Education Group	late bid

Items included in lease:

Laser Level	\$ 1,200
Grapple Bucket	\$ 1,975
Vehicles(5)	\$125,000
Fire Hose Dryer	\$ 13,500
Prisoner Transport Van	\$ 36,700
Crown Victoria	\$ 25,000
Copier	\$ 11,150
½ Ton Pickup Truck	\$ 17,000
40 HP Tractor	\$ 20,000
Aluminum Bleachers	\$ 10,000
Copier	\$ 8,450
Shuttle Truck	\$ 45,000
3 Yard Trash Trailers	\$ 38,400
Front-End Loader	\$ 4,350
Sickle Mower	\$ 2,000
2005 Cab & Chasis Complete	\$ 62,500
Copier	\$ 9,300
65 Golf Carts	\$ 65,940
Jacobson Fairway Mower	\$ 32,000
Greens Mower	\$ 15,500
<u>Commercial Mower</u>	<u>\$ 9,000</u>
TOTAL LEASE	\$553,965 for 3 Years @ 2.59%

WARREN T. HARLEY
ASSISTANT CITY ADMINISTRATOR